



DEFENSE INFORMATION SYSTEMS AGENCY

P. O. BOX 549
FORT MEADE, MARYLAND 20755-0549

IN REPLY
REFER TO

Equal Employment Opportunity
and Diversity

October 24, 2012

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Defense Information Systems Agency Procedures for Providing Reasonable Accommodation for Individuals with Disabilities

REFERENCES: (A) Section 508, of the Rehabilitation Act of 1973
(B) Title I of the Americans with Disabilities Act 1990 as amended
(C) Executive Order 13164: Establishing Procedures to Facilitate the Reasonable Accommodation for Individuals with Disabilities

1. In accordance with reference (c) above, please find enclosed the Defense Information Systems Agency (DISA) procedures for providing reasonable accommodation for individuals with disabilities. This document continues to support and improve upon the effectiveness for the processing of requests for reasonable accommodation(s) for individuals with disabilities, and facilitates DISA compliance with the requirements of the Rehabilitation Act of 1973.
2. In addition to hard copy distribution, these procedures will be posted on the DISA EEO website with internet and intranet Section 508 accessibility. Any questions regarding these procedures, please contact the Equal Employment Opportunity and Diversity (EEO) Office at 301-225-6458.

A handwritten signature in black ink, appearing to read "Rudy Dockery", is located to the right of the main text.

Enclosure
a/s

Rudy Dockery
Acting EEO Director
Equal Employment Opportunity
and Diversity

Defense Information Systems Agency Procedures for Providing Reasonable Accommodation For Individuals with Disabilities

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Definition of Key Terms:

Disability: (1) The term "disability" means, with respect to an individual (A) a physical or mental impairment that substantially limits one or more major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment (an individual meets the requirement of "being regarded as having such an impairment" if the individual establishes that he or she has been subjected to an action prohibited under this chapter because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This shall not apply to impairments that are transitory and minor. A transitory impairment is impairment with an actual or expected duration of 6 months or less.

The definition of "disability" in paragraph (1) shall be construed in accordance with the following:

- (A) The definition of disability in paragraph (1) shall be construed in favor of broad coverage of individuals, to the maximum extent permitted by the terms of this chapter.
- (B) The term "substantially limits" shall be interpreted consistently with the findings and purposes of the ADA Amendments Act of 2008.
- (C) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.
- (D) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
- (E) The determination of whether impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as:
 - (1) medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
 - (a) use of assistive technology;
 - (b) reasonable accommodations or auxiliary aids or services; or
 - (c) learned behavioral or adaptive neurological modifications.

(2) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether impairment substantially limits a major life activity.

(a) the term “ordinary eyeglasses or contact lenses” means lenses that are intended to fully correct visual acuity or eliminate refractive error; and

(b) the term “low-vision devices” means devices that magnify, enhance, or otherwise augment a visual image.

(3) Auxiliary aids and services: The term “auxiliary aids and services” includes

(a) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(b) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(c) acquisition or modification of equipment or devices; and

(d) other similar services and actions.

Major Life Activities: a major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

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

Reasonable Accommodation: Any change in the work environment or in the way things are customarily done that would enable a qualified individual with a disability to enjoy equal employment opportunities.

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

Essential Functions: Those job duties that is so fundamental to the position that the individual holds or desires that he/she cannot do the job without performing them. A function

can be “essential” if, among other things: the position exists specifically to perform that function; there are a limited number of other employees who could perform the function; or the function is specialized and the individual is hired based on his/her ability to perform it. Determination of the essential functions of a position must be done on a case-by-case basis so that it reflects the job as actually performed, and not simply the components of a generic position description.

Reassignment: Reassignment is a form of reasonable accommodation that, absent undue hardship, is provided to employees (not applicants) who, because of a disability, can no longer perform the essential functions of their job, with or without reasonable accommodation. Reassignments are made only to vacant positions and to employees who are qualified for the new position. If the employee is qualified for the position, he/she will be reassigned to the job and will not have to compete for it.

Undue Hardship: If a specific type of reasonable accommodation causes significant difficulty or expense, then DISA does not have to provide that particular accommodation. Determination of undue hardship is always made on a case-by-case basis, considering factors that include the nature and cost of the reasonable accommodation needed and the impact of the reasonable accommodation on the operation of the agency.

I. DISA Policy on Reasonable Accommodation

Executive Order 13164 requires all Federal Agencies to establish procedures on handling requests for reasonable accommodation. These Procedures replace those issued in September 2001.

DISA’s Procedures fully comply with the requirements of the Rehabilitation Act of 1973. Under the law, DISA must provide reasonable accommodation to qualified employees or applicants with disabilities, unless to do so would cause undue hardship. The DISA is committed to providing reasonable accommodations to its employees and applicants for employment to ensure that individuals with disabilities enjoy equal access to all employment opportunities. DISA provides reasonable accommodations:

- when an applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
- when an employee with a disability needs an accommodation to perform the essential functions of the job or to gain access to the workplace; and
- when an employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., details, trainings, office-sponsored events).

A reasonable accommodation is any change in the workplace or the way things are customarily done that provides an equal employment opportunity to an individual with a disability. While there are some things that are not considered reasonable accommodations (e.g., removal of an essential job function or personal use items such as a hearing aid that is needed on and off the job), reasonable accommodations can cover most things that enable an individual to apply for a job, perform a job, or have equal access to the workplace and employee benefits such as kitchens, parking lots, and office events.

Common types of accommodations include:

- modifying work schedules or supervisory methods
- granting breaks or providing leave
- altering how or when job duties are performed
- removing and/or substituting a marginal function
- moving to different office space
- providing telework under DISA current policy
- making changes in workplace policies
- providing assistive technology, including information technology and communications equipment or specially designed furniture
- providing a reader or other staff assistant to enable employees to perform their job functions, where the accommodation cannot be provided by current staff (See Appendix E for information on hiring staff assistants.)
- removing an architectural barrier, including reconfiguring work spaces
- providing accessible parking
- providing materials in alternative formats (e.g., Braille, large print)
- providing a reassignment to another job.

DISA will process requests for reasonable accommodation and will provide reasonable accommodations where appropriate, in a prompt and efficient manner in accordance with the time frames set forth in these Procedures.

DISA has designated a **Disability Program Manager (DPM)** to oversee the reasonable accommodation program agency-wide. All requests for reasonable accommodation will be handled by the DPM. If a request is given to a manager or supervisor rather than directly to the DPM, that individual should forward the request immediately and must do so within 2 business days. When an employee makes a request for reasonable accommodation that involves performance of the job, the DPM will work with the employee's supervisor to ensure that an appropriate accommodation is provided that meets the individual's disability-related needs and enables the individual to perform the essential functions of the position. **See Section II. K. on how to contact the DPM.**

As part of the reasonable accommodation interactive process, the DPM will obtain and evaluate documentation supporting an accommodation request (such as medical documentation demonstrating that the requestor is an individual with a disability), whenever the disability or need for accommodation is not obvious.

While the DPM will handle all requests for reasonable accommodations, supervisors, managers, and office directors often will need to be consulted about specific requests. Therefore, all management personnel must be familiar with these Procedures and the Equal Employment Opportunity Commission's "Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act" (rev. Oct. 17, 2002), which contains significant information on the responsibilities of agency personnel involved in responding to a request for reasonable accommodation, as well as the rights and responsibilities of those requesting accommodation. (This document is available at <http://www.eeoc.gov/policy/docs/accommodation.html>, and on EEOC's intranet site, http://insite.eeoc.gov/insite/Enforcement/Compliance_Manual_and_Enforcem/rabarnett_1.pdf).

Applicants and employees may wish to consult this Guidance to better understand the reasonable accommodation process.

DISA *may* take steps, solely at the agency's discretion, beyond those required by section 501 of the Rehabilitation Act of 1973.

II. Reasonable Accommodation Procedures

A. Requesting Reasonable Accommodation

Generally, an applicant or employee must let DISA know that he/she needs an adjustment or change concerning some aspect of the application process, the job, or a benefit of employment for a reason related to a medical condition. An **applicant or employee** may request a reasonable accommodation at any time, **orally or in writing**. An individual should request a reasonable accommodation from the Disability Program Manager (DPM). For applicants, information about contacting the DPM will be in the vacancy announcement and the letter of appointment. (See also Section II.K. on how to contact the DPM.)

If an employee makes a reasonable accommodation request to someone other than the DPM, such as his/her supervisor, manager, or director, these supervisors/managers/directors should forward the request to the DPM immediately and must do so within 2 business days. **The reasonable accommodation process begins as soon as the oral or written request for accommodation is made to any manager in an employee's chain of command, so it is imperative that the request be forwarded to the DPM within 2 business days.**

An individual's receipt or denial of an accommodation does not prevent the individual from making another request at a later time if circumstances change and he/she believes that an accommodation is needed due to limitations from a disability (e.g., the disability worsens or an employee is assigned new duties that require an additional or different reasonable accommodation). Additionally, the DPM may not refuse to process a request for reasonable accommodation, and a reasonable accommodation may not be denied, based on a belief that the accommodation should have been requested earlier (e.g., during the application process).

A request does not have to include any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act." A request is any communication in which an individual asks or states that he/she needs DISA to provide or to change something because of a medical condition. A supervisor, manager, or the DPM should ask an individual whether he/she is requesting a reasonable accommodation if the nature of the initial communication is unclear.

A family member, health professional, or other representative may request an accommodation on behalf of a DISA employee or applicant. For example, a doctor's note outlining medical restrictions for an employee constitutes a request for reasonable accommodation.

When an individual (or third party) makes an **oral request**, the DPM must ensure that the **"Confirmation of Request" form** is filled out (see Appendix A). The DPM must fill out the Form if the requestor does not.

An employee needing a reasonable accommodation on a recurring basis, such as the assistance of a sign language interpreter must submit the “Confirmation” form only for the first request. However, the employee requesting accommodation must give appropriate advance notice each subsequent time the accommodation is needed. If the accommodation is needed on a regular basis (e.g., a weekly staff meeting), the DPM should ensure that an employee’s supervisor makes the appropriate arrangements without requiring a request in advance of each occasion. (See Appendix D for information on requesting sign language interpreters.)

B. Processing the Request

The Disability Program Manager (DPM) is responsible for processing requests for reasonable accommodation. The Director of Equal Employment Opportunity and Diversity will designate another EEO staff member to act as a back-up for the DPMs to process requests when the DPMs are unavailable for any length of time (e.g., the DPM is on vacation or out on extended leave).

While the DPM has responsibility for processing requests for reasonable accommodation, the DPM may work closely with an employee’s supervisor or director in responding to the request, particularly those involving performance of the job. The DPM will need to consult with an employee’s supervisor and/or director to gather relevant information necessary to respond to a request and to assess whether a particular accommodation will be effective. No reasonable accommodation involving performance of the job will be provided without first informing an employee’s supervisor or, as appropriate, a director.

C. The Interactive Process

1. Generally

After a request for accommodation has been made, the next step is for the parties to begin the interactive process to determine what, if any, accommodation should be provided. This means that the individual requesting the accommodation and the DPM must communicate with each other about the request, the precise nature of the problem that is generating the request, how a disability is prompting a need for an accommodation, and alternative accommodations that may be effective in meeting an individual’s needs.

The DPM will contact the applicant or employee within 10 business days after the request is made (even if the request is initially made to someone else) to begin discussing the accommodation request. In some instances, the DPM may need to get information to determine if an individual’s impairment is a “disability” under the Rehabilitation Act or to determine what would be an effective accommodation. Such information may not be necessary if an effective accommodation is obvious, if the disability is obvious (e.g., the requestor is blind or has paraplegia) or if the disability is already known to DISA (e.g., the requestor previously asked for an accommodation and information submitted at that time showed a disability existed and that there would be no change in the individual’s medical condition).

Communication is a priority throughout the entire process, but particularly where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are considering different forms of reasonable accommodation. Both the individual making the request and the decision maker should work together to identify effective accommodations. Appendix F lists some suggested resources for identifying accommodations.

When a third party (e.g., an individual's doctor) requests accommodation on behalf of an applicant or employee, the DPM should, if possible, confirm with the applicant or employee that he wants a reasonable accommodation before proceeding. Where this is not possible, for example, because the employee has been hospitalized in an acute condition, the DPM will process the third party's request if it seems appropriate (e.g., by granting immediate leave) and will consult directly with the individual needing the accommodation as soon as practicable.

The DPM may need to consult with other DISA personnel (e.g., an employee's supervisor, Information Technology staff) or outside sources to obtain information necessary to make a determination about the request. **DISA expects that all agency personnel will give a high priority to responding quickly to a DPM's request for information or assistance. Any delays by DISA personnel may result in the agency's failing to meet the required time frame.**

2. Reassignment

There are specific considerations in the interactive process when an employee needs, or may need, a reassignment.

- Generally, reassignment will only be considered if no accommodations are available to enable the individual to perform the essential functions of his or her current job, or if the only effective accommodation would cause undue hardship.
- In considering whether there are positions available for reassignment, the DPM will work with both the Human Resources (HR) and the employee requesting the reassignment to identify: (1) vacant positions within the agency for which the employee may be qualified, with or without reasonable accommodation; and (2) positions which HR has reason to believe will become vacant within **60 days** from the date the search is initiated and for which the employee may be qualified.

EXAMPLE

If a search begins on May 1, then the DPM will inquire about any positions that are currently vacant or will become vacant between May 1 and June 30. The DPM does not have to hold open the search until July 1; if she finishes her search on May 15 and learns that no vacancies are currently available or anticipated by June 30, then the search is over and the results should be conveyed to the employee.

- Reassignment may be made to a vacant position outside of the employee's commuting area if the employee is willing to relocate. As with other transfers not required by management, DISA will not pay for the employee's relocation costs.

D. Requests for Medical Information

If a requestor's disability and/or need for accommodation are not obvious or already known, DISA (specifically the DPM) is entitled to ask for and receive medical information showing that the requestor has a covered disability that requires accommodation. A disability is obvious or already known when it is clearly visible or the individual previously provided medical information

showing that the condition met the Rehabilitation Act definition. It is the responsibility of the applicant/employee to provide appropriate medical information requested by DISA where the disability and/or need for accommodation are not obvious or already known.

Only the DPM may determine whether medical information is needed and, if so, may request such information from the requestor and/or the appropriate health professional. Even if medical information is needed to process a request, the DPM does not necessarily have to request medical documentation from a health care provider; in many instances the requestor may be able to provide sufficient information that can substantiate the existence of a “disability” and/or need for a reasonable accommodation. (See Section II.E. about the confidentiality of all medical information obtained in processing a request for accommodation.) If an individual has already submitted medical documentation in connection with a previous request for accommodation, the individual should immediately inform the DPM of this fact. The DPM will then determine whether additional medical information is needed to process the current request.

If the initial information provided by the health professional or volunteered by the requestor is insufficient to enable the DPM to determine whether the individual has a “disability” and/or that an accommodation is needed, the DPM will explain what additional information is needed. If necessary, the individual should then ask his/her health care provider or other appropriate professional to provide the missing information. The DPM may also give the individual a list of questions to give to the health care provider or other appropriate professional to answer. If sufficient medical information is not provided by the individual after several attempts, the DPM may ask the individual requesting accommodation to sign a limited release permitting the DPM to contact the provider for additional information. The DPM may have the medical information reviewed by a doctor of the agency’s choosing, at the agency’s expense.

In determining whether documentation is necessary to support a request for reasonable accommodation and whether an applicant or employee has a disability within the meaning of the Rehabilitation Act, the DPM will be guided by principles set forth in the ADA Amendments Act of 2008. Specifically, the ADA Amendments Act directs that the definition of “disability” be construed broadly and that the determination of whether an individual has a “disability” generally should not require extensive analysis. Notwithstanding, the DPM may require medical information in order to design an appropriate and effective accommodation.

A supervisor or director who believes that an employee may no longer need a reasonable accommodation should contact the DPM. The DPM will decide if there is a reason to contact the employee to discuss whether he/she has a continuing need for reasonable accommodation.

E. Confidentiality Requirements

Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential. This means that all medical information that DISA obtains in connection with a request for reasonable accommodation must be kept in files separate from the individual’s personnel file. This includes the fact that an accommodation has been requested or approved and information about functional limitations. It also means that any DISA employee who obtains or receives such information is strictly bound by these confidentiality requirements.

The DPM may share certain information with an employee's supervisor or other agency official(s) as necessary to make appropriate determinations on a reasonable accommodation request. Under these circumstances, the DPM will inform the recipients about these confidentiality requirements. The information disclosed will be no more than is necessary to process the request. In certain situations, the DPM will not necessarily need to reveal the name of the requestor and/or the office in which the requestor works, or even the name of the disability.

EXAMPLE

The Information Technology Division (IT) generally will be consulted in connection with requests for assistive technology for computers. While IT needs to know the employee's functional limitations, it typically has no need to know the employee's specific disability.

In addition to disclosures of information needed to process a request for accommodation, other disclosures of medical information are permitted as follows:

- supervisors and managers are entitled to whatever information is necessary to implement restrictions on the work or duties of the employee or to provide a reasonable accommodation;
- first aid and safety personnel may be informed, when appropriate, *if* the disability might require emergency treatment or assistance in evacuation; and
- government officials may be given information necessary to investigate the agency's compliance with the Rehabilitation Act.

F. Time Frame for Processing Requests and Providing Reasonable Accommodations

1 Generally

The time frame for processing a request (including providing accommodation, if approved) is as soon as possible but no later than **30 business days from the date the request is made**. This 30-day period includes the 10-day time frame in which the DPM must contact the requestor after a request for reasonable accommodation is made. (See Section II.C.1.)

DISA will process requests and, where appropriate, provide accommodations in as short a period as reasonably possible. The time frame above indicates the maximum amount of time it should generally take to process a request and provide a reasonable accommodation. The DPM will strive to process the request and provide an accommodation sooner, if possible. Unnecessary delays can result in a violation of the Rehabilitation Act.

The time frame begins when an oral or written request for reasonable accommodation is made, and not necessarily when it is received by the DPM. **Therefore, everyone involved in processing a request should respond as quickly as possible.** This includes referring a request to the DPM, contacting a doctor if medical information or documentation is needed, and providing technical assistance to the DPM regarding issues raised by a request (e.g., information from a supervisor regarding the essential functions of an employee's position, information from IT regarding compatibility of certain adaptive equipment with DISA's technology).

If the DPM must request medical information or documentation from a requestor's doctor, the time frame will stop on the day that the DPM makes a request to the individual to obtain medical information or sends out a request for information/documentation, and will resume on the day that the information/documentation is received by the DPM.

If the disability is obvious or already known to the DPM, if it is clear why reasonable accommodation is needed, and if an accommodation can be provided quickly, then the DPM should not require the full 30 business days to process the request. The following are examples of situations where the disability is obvious or already known and an accommodation can be provided in less than the allotted time frame:

- An employee with insulin-dependent diabetes who sits in an open area asks for three breaks a day to test her blood sugar levels in private.
- An employee with clinical depression who takes medication which makes it hard for her to get up in time to get to the office at 9:00 a.m., requests that she be allowed to start work at 10:00 a.m. and still work an eight and a half hour day.
- A supervisor distributes a detailed agenda at the beginning of each staff meeting. An employee with a serious learning disability asks that the agenda be distributed ahead of time because his disability makes it difficult to read quickly and he needs more time to prepare.

2. Expedited Processing of a Request

In certain circumstances, a request for reasonable accommodation requires an expedited review and decision. This includes where a reasonable accommodation is needed:

- **to enable an applicant to apply for a job.** Depending on the timetable for receiving applications, conducting interviews, taking tests, and making hiring decisions, there may be a need to expedite a request for reasonable accommodation to ensure that an applicant with a disability has an equal opportunity to apply for a job.
- **to enable an employee to attend a meeting scheduled to occur soon.** For example, an employee may need a sign language interpreter for a meeting scheduled to take place in 5 days.

3. Extenuating Circumstances

These are circumstances that **could not reasonably have been anticipated or avoided in advance** of the request for accommodation, **or that are beyond DISA's ability to control.** When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary. Extensions will be limited to circumstances where they are absolutely necessary and only for as long as required to deal with the extenuating circumstance.

G. Resolution of the Reasonable Accommodation Request

All decisions regarding a request for reasonable accommodation will be communicated to an applicant or employee by use of the “Resolution of Request” form (see Appendix B), as well as orally.

1. If DISA **grants a request for accommodation**, the DPM will give the “Resolution of Request” form to the requestor, and discuss implementation of the accommodation. The “Resolution” form must be filled out even if DISA is granting the request without determining whether the requestor has a “disability” and regardless of what type of change or modification is approved (e.g., DISA grants a three-month removal of an essential function, which is not a form of reasonable accommodation but nonetheless must be specified on the Resolution form).
 - A decision to provide an accommodation other than the one specifically requested will be considered a decision to grant an accommodation. The form will explain both the reasons for the denial of the individual’s specific requested accommodation and why DISA believes that the chosen accommodation will be effective.
 - If the request is approved but the accommodation cannot be provided immediately, the DPM will inform the individual in writing of the projected time frame for providing the accommodation.
2. If DISA **denies a request for accommodation**, the DPM will give the “Resolution” form to the requestor and discuss the reason(s) for the denial. When completing the “Resolution” form, the explanation for the denial will clearly state the specific reason(s) for the denial. This means that DISA cannot simply state that a requested accommodation is denied because of “undue hardship” or because it would be “ineffective.” Rather, the form will state and the DPM will explain specifically **why** the accommodation would result in undue hardship or why it would be ineffective.
 - If there is a legitimate reason to deny the specific reasonable accommodation requested (e.g., the accommodation poses an undue hardship or is not required by the Rehabilitation Act), the DPM will explore with the individual whether another accommodation would be possible. The fact that one accommodation proves ineffective or would cause undue hardship does not necessarily mean that this would be true of another accommodation. Similarly, if an employee requests removal of an essential function or some other action that is not required by law, the DPM will explore whether there is a reasonable accommodation that will meet the employee’s needs.
 - If the DPM offers an accommodation other than the one requested, but the alternative accommodation is not accepted, the DPM will record the individual’s rejection of the alternative accommodation on the “Resolution” form.

H. Informal Dispute Resolution

An individual dissatisfied with the resolution of a reasonable accommodation request can ask the Director of Equal Employment Opportunity and Diversity (EEOD) to reconsider that decision. An individual must request reconsideration within **10 business days** of receiving the “Resolution” form. A request for reconsideration will not extend the time limits for initiating administrative, statutory, or collective bargaining claims. (See Section II.J. below.)

I. Information Tracking and Reporting

In order for DISA to ensure compliance with these Procedures and the Rehabilitation Act, the DPM will complete the “Reasonable Accommodation Information Reporting” form (Appendix C) **within 5 business days** of issuing the decision.

These forms will be the basis of an annual report to be issued to all employees that will provide a qualitative assessment of DISA’s reasonable accommodation program, including any recommendations for improvement of DISA’s reasonable accommodation policies and these Procedures. This annual report **will not contain confidential information about specific requests for reasonable accommodations, such as the names of individuals that requested accommodations or the accommodations requested by specific individuals.** Rather, this report will provide only general information, such as the total number of requests for accommodations, the types of accommodations requested, and the length of time taken to process requests.

J. Relation of Procedures to Statutory and Collective Bargaining Claims

These Procedures do not limit or supplant statutory and collective bargaining protections for persons with disabilities and the remedies they provide for the denial of requests for reasonable accommodation. **Requirements governing the initiation of statutory and collective bargaining claims remain unchanged, including the time frames for filing such claims.**

The “Resolution of Request” form (Appendix B) provides information to individuals denied accommodation, or denied the accommodation of their choice, about their right to file an EEO complaint and their possible right to pursue MSPB and/or union grievance procedures.

An individual who chooses to pursue statutory or collective bargaining remedies for denial of reasonable accommodation **must:**

- For an EEO complaint: contact an EEOD counselor in the Equal Employment Opportunity and Diversity Office (EEOD) within 45 days from the date of receipt of the written resolution notice or a verbal response to the request (whichever comes first). The 45-day filing period may not be applicable where there is an unreasonable delay in making a decision regarding an accommodation and the applicant or employee files a challenge before the decision is made.
- 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 Merits Systems Protection Board has jurisdiction: initiate an appeal to the MSPB within 30 days of the appealable adverse action as defined in 5 C.F.R. Â§ 1201.3.

These Procedures create no new enforceable rights under section 501 of the Rehabilitation Act, any other law, or the collective bargaining agreement. Executive Order 13164, which requires all Federal agencies to adopt reasonable accommodation procedures, explains in section 5(b) that the procedures are “intended only to improve the internal management of the executive branch and does not create any

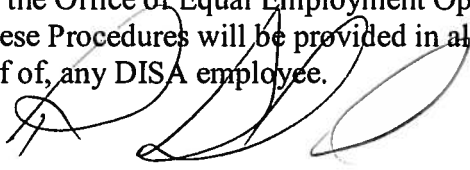
right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, [or] its agencies.”

K. INQUIRIES AND DISTRIBUTION

Any employee or applicant wanting further information concerning these Procedures may contact the Equal Employment Opportunity and Diversity (EEOD) Office at 301-225-6458.

These Procedures shall be distributed to all employees upon issuance, and annually thereafter. They also will be posted on DISA’s Intranet and Internet sites, in the Office of Equal Employment Opportunity and Diversity, and the Office of Human Resources. These Procedures will be provided in alternative formats when requested from the DPM by, or on behalf of, any DISA employee.

/signed/

A handwritten signature in black ink, appearing to be a stylized name, positioned to the right of the "/signed/" text.

EEOD Acting Director

APPENDIX A

CONFIRMATION OF REQUEST FOR REASONABLE ACCOMMODATION

1.

Applicant's or Employee's Name

Date of Request _____

Applicant's or Employee's Telephone Number

Employee's Office

2. TYPE OF ACCOMMODATION REQUESTED, IF KNOWN. *(Be as specific as possible, e.g., assistive technology, reader, interpreter, schedule change)*

3. REASON FOR REQUEST.

If accommodation is time sensitive, please explain:

(Disability Program Manager will assign number)

Log No.: _____

Privacy Act Statement

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.

APPENDIX B

RESOLUTION OF REASONABLE ACCOMMODATION REQUEST

(Must complete numbers 1-3; complete numbers 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) _____

6. **Detailed reason(s) for denial (Must be specific, e.g., *why* accommodation would be ineffective or cause 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 of the Office of Human Resources to reconsider that decision within 10 business days of receiving the "Resolution" form. Note that requesting reconsideration does not extend the time 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 Equal Employment Opportunity and Diversity Office 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 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 _____

APPENDIX C

REASONABLE ACCOMMODATION INFORMATION REPORTING FORM

Name of Individual requesting accommodation:

Office of Requesting Individual: _____

1. Reasonable accommodation: (check one)

_____ Approved (Whether it is what was originally requested or an alternative)

_____ Denied

(Attach copy of the "Resolution of Reasonable Accommodation Request" form.)

2. Date accommodation requested: _____

Who received request: _____

3. Date accommodation request referred to Disability Program Manager, if applicable:

4. Determined that individual does _____ does not _____ have a disability as defined by the Rehabilitation Act; or no disability determination made _____

5. Date accommodation approved or denied: _____

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

7. If time frames outlined in the Procedures were not met, explain why.

8. Job held or desired by individual requesting reasonable accommodation (including occupational series, grade level, and office):

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 requested):*

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 D

UTILIZING SIGN LANGUAGE INTERPRETERS

Sign Language Interpreter Services are available and provided to all applicants and employees with hearing disabilities DISA-Wide. All interpreter requests **MUST** be completed and processed electronically for tracking purposes. Please complete the following steps to ensure accurate processing of requests.

The Interpreter Request Form is to be completed and submitted via e-mail to the "Interpreter Program" inbox at interpreterprogram@disa.mil. This form will provide us with the information needed to ensure you receive your services. On the request form, "Employee Requiring Service" would be the person sending the request to the EEOD office; it does not have to be the individual(s) who will actually utilize the interpreter services.

Once you have completed the above action, you will receive a copy of the Interpreter Request being forwarded to the contractor for the assignment of an interpreter.

Once an interpreter has been assigned to the request, the requestor and individual needing services (where applicable) will receive a calendar invite notating the service request date and the name of their interpreter.

Once the assignment is completed, it is requested that the individual that has received the interpreter services complete and return the Evaluation Form. This form will provide our office with feedback from the individual receiving the service. This information will keep the EEOD Office informed of how pleased or not pleased they were with the services rendered to them.

For more information on the Interpreter Services please contact the EEOD Office at 301-225-6458.

DISA EEO
Sign Language Interpreter Request Form

(as of 26 September 2011)

1.) Date Submitted Request To EEO Office: _____

2.) Employee Requiring Service:

Name:

Number:

E-Mail:

3.) Supervisor's Information:

Name:

Number:

E-Mail:

4.) Date Service Is Required:

From:

To:

5.) Time Service Is Required:

From:

To:

6.) Brief Description Of Assignment:

_____ Staff Meeting

_____ All Hands

_____ Training

_____ Other: _____

7.) Location Of Assignment: (Where Will The Assignment Take Place)

_____ DISA HQS

_____ Other Site (Please Give Address) _____

8.) Type Of Sign Language Services

_____ A.S.L(American Sign Language)

_____ P.S.E (Pigment Sign English)

_____ C.A.R.T (Computer Aided Real Time Captioning)

9.) Point Of Contact At Location Requested: (Other Than Person Requesting Service)

Name:

Phone Number: _____

Pager (if applicable): (_____) _____

10.) Individual Responsible For Meeting Interpreter At Site:

Name:

Telephone Number:

11.) Special Needs: (if applicable)

_____ Secret Clearance

_____ Top Secret Clearance

_____ Other

If you have any questions, please contact:

Equal Employment Opportunity and Diversity at 301-225-6458

APPENDIX E

STAFF ASSISTANT SLOTS

- 1. STAFF ASSISTANT SLOTS.** The DISA will make staff assistants available, if appropriate. Staff assistants are sign language interpreters, readers, and assistants who perform physical tasks that an employee cannot perform because of a disability. For example, an investigator with limited or no upper extremity mobility may need assistance in physically organizing a charge file. The investigator will perform the essential functions of the position -- e.g., conduct the investigation and draft documents -- and the assistant would only perform the physical task.
- 2. REQUEST FOR STAFF ASSISTANT SLOTS.** Requests for hiring a staff assistant must be referred to the Disability Program Manager (DPM) from the DISA staff member who received the request. The DPM will first determine whether staff assistants already hired by the DISA can fulfill an employee's needs. The DPM also will determine if an employee's needs could be met by contracting for services (e.g., a contract interpreter), and if so, will make the necessary arrangements. If the DPM grants the request to hire a staff assistant, the employee's Office Director, in consultation with the Human Resource Office (HR), if necessary, should prepare a Request for Personnel Action (SF-52) and a position description. The employee with a disability must play an integral part in the interview and selection process of an interpreter, reader, or assistant.
- 3. USE OF STAFF ASSISTANTS.** The staff assistant slots are to be used only to hire interpreters, readers, and assistants as a reasonable accommodation for employees with disabilities. Staff hired shall be shared to provide assistance to more than one employee with a disability, where appropriate. These staff assistants **may** not be assigned any other duties unless the person they were hired to assist has no work for them to perform at that time. Before assigning other duties to the assistant, the employee with the disability shall be consulted to determine when assistant services are not needed. If the supervisor is not the employee with a disability, he or she must consult with the employee with a disability regarding the staff assistant's performance evaluation.

In no case should a staff assistant be called upon -- by management or by the employee(s) to whom he or she is assigned -- to perform the essential functions of the job held by the employee with the disability.
- 4. HIRING AUTHORITY.** Readers, interpreters, or assistants hired to fill approved positions may be appointed under the non-competitive Schedule A authority, 5 CFR 213.3102 (II) ["II" is double "L"]. Persons with disabilities hired as readers, interpreters, or assistants may also be hired under the 213.3102 (u) authority.

5. **RELEASE OF POSITIONS.** When the need for a staff assistant is reduced or eliminated, the Personnel Management Specialist shall notify the DPM, who will take appropriate steps.

APPENDIX F

SELECTED REASONABLE ACCOMMODATION RESOURCES

Defense Information Systems Agency

DISA EEOD website

Equal Employment Opportunity Commission (EEOC)

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

Job Accommodation Network (JAN)

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

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

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

ADA Disability and Business Technical Assistance Centers (DBTACs)

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

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

RESNA Technical Assistance Project

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

<http://www.resna.org>

RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America, can refer individuals to projects in all 50 states and the six territories offering technical assistance on technology-related services for individuals with disabilities. Services may include:

- information and referral centers to help determine what devices may assist a person with a disability (including access to large data bases containing information on thousands of commercially available assistive technology products),
- centers where individuals can try out devices and equipment,
- assistance in obtaining funding for and repairing devices, and
- equipment exchange and recycling programs.

[1] All references to "disability" in these Procedures refer only to those impairments that meet the ADA/Rehabilitation Act definition of "disability" as amended by the ADA Amendments Act of 2008 (ADAAA). The expanded definition of "disability" is to be interpreted broadly and does not require an extensive analysis.

The Rehabilitation Act, as amended by the ADAAA, does not require an employer to provide reasonable accommodation to an individual who only meets the "regarded as" definition of disability. An applicant or employee must meet either the "actual" definition (i.e., person has an impairment that substantially limits a major life activity) or the "record of" definition (i.e., person has a record of an impairment that substantially limited a major life activity) to be eligible for reasonable accommodation.

[2] If a DISA official knows that a disability, such as an intellectual disability (formerly referred to as "mental retardation"), prevents a person from asking for a reasonable accommodation, and it appears that one may be needed, the official should ask whether accommodation is needed. The time frame for processing a request begins when the official makes the inquiry.

[3] See Appendix D for information on how employees may directly schedule sign language interpreters without going through a supervisor or other manager.

[4] See footnote 2 that explains when the time frame begins if an DISA official must inquire if reasonable accommodation is needed when an individual's disability, e.g., an intellectual disability (formerly called "mental retardation") prevents him from asking for one.

[5] Currently, Interpreting Services generally meet interpreter needs in field offices by contracting for such services.