



Defense Finance and Accounting Service

INSTRUCTION

Number 1020.1-I

August 1, 2011

Equal Employment Opportunity

SUBJECT: The Defense Finance and Accounting Service (DFAS) Procedures for Providing Reasonable Accommodations for Individuals with Disabilities

- References:** (a) Equal Employment Opportunity Commission (EEOC)'s, "*Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act*," www.eeoc.gov
- (b) Privacy Act of 1974
 - (c) 29 C.F.R. 1611
 - (d) DFAS 5400.11-R, "Privacy Program Regulation"
 - (e) 5 C.F.R. 1201.3
 - (f) 5 CFR 213.3102 (ll) ["ll" is double "L"]
 - (g) Rehabilitation Act of 1973, Public Law 93-112
 - (h) Americans with Disabilities Act of 1990, Public Law 110-325
 - (i) Americans with Disabilities Act Amendments Act of 2008, Public Law 110-325

1. **PURPOSE.** This Instruction explains the procedures for providing reasonable accommodations for individuals with disabilities.

2. **APPLICABILITY.** This Instruction pertains to applicants and employees, and their management chain of command, who request Reasonable Accommodations.

3. **DEFINITIONS.** See the Glossary for abbreviations/acronyms, as well as, definitions of key terms.

4. **POLICY.** See Enclosure 1.

5. **RESPONSIBILITIES.** See Enclosure 2.

6. **PROCEDURES.** See Enclosure 2.

7. RELEASABILITY. Unlimited.

8. EFFECTIVE DATE. This Instruction is effective immediately.

Teresa A. McKay
Director

Enclosures:

1. General Policy Information
2. Requests for Reasonable Accommodation
3. Requests for Medical Information
4. Grant a Reasonable Accommodation Request or Denial
5. Appendices
6. Figures
7. Glossary

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ENCLOSURE 1

GENERAL POLICY INFORMATION

1. DFAS POLICY ON REASONABLE ACCOMMODATION.

a. The DFAS policy is to fully comply with the reasonable accommodation requirements of the Rehabilitation Act of 1973, The Americans with Disability Act (ADA) of 1990, and the ADA Amendments Act of 2008. Under the law, federal agencies must provide a reasonable accommodation to qualified employees or applicants with disabilities, unless to do so would cause undue hardship for the agency. 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 operations of the agency. DFAS is committed to providing reasonable accommodations to its employees and applicants for employment in order to assure that individuals with disabilities enjoy full access to equal employment opportunity at DFAS. DFAS provides reasonable accommodations when:

(1) A qualified applicant with a disability needs an accommodation in order to be considered for a job;

(2) A qualified employee with a disability needs an accommodation to enable him or her to perform the essential functions of the job or to gain access to the workplace (determinations of the essential functions of a position must be done on a case-by-case basis to reflect the job as actually performed and not simply the components of a generic position description); and

(3) A qualified employee with a disability needs an accommodation to enjoy equal benefits and privileges of employment.

b. DFAS will process requests for reasonable accommodation and, where appropriate, provide reasonable accommodations in a prompt, fair, and efficient manner.

c. In order to effectuate this policy, DFAS has designated a Reasonable Accommodation Program Manager (RAPM) who has direct administrative responsibility for the efficient execution of the program, agency-wide. The RAPM will reside in the Office of Equal Opportunity Programs (OEOP).

2. STEPS BEYOND BASIC REQUIREMENT. As a model employer, specific facts may permit DFAS to take steps beyond those required by the reasonable accommodation process in order to accommodate applicants and employees. DFAS will endeavor to take such steps when appropriate.

ENCLOSURE 2

REQUESTS FOR REASONABLE ACCOMMODATION

1. MAKING A REQUEST FOR REASONABLE ACCOMMODATION.

a. A request for reasonable accommodation is a *statement* that an individual needs an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to a medical condition. **The reasonable accommodation process begins as soon as the request for accommodation is made. The employee or applicant making the request is responsible for ensuring that all verbal requests are followed up with a written request to the individual identified below.**

b. A request does not have to use any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act." An individual with a disability may request a reasonable accommodation whenever he/she chooses, even if he/she has not previously disclosed the existence of a disability.

c. An employee may request a reasonable accommodation orally or in writing from his/her supervisor or another supervisor or manager in his/her immediate chain of command, the EEO office, or the Reasonable Accommodation Program Manager. Requests received by the EEO office or the Reasonable Accommodation Program Manager will be referred to the requestor's immediate supervisor.

d. An applicant may request a reasonable accommodation orally or in writing from any DFAS employee with whom the applicant has contact in connection with the application process or from the Chief, Human Resources (HR) Recruitment and Placement Operations Division. The HR office is responsible for training staff involved in the application process to recognize requests for reasonable accommodation and to handle them appropriately. **All staff** having contact with applicants must know how to recognize and handle requests for reasonable accommodation.

e. A family member, health professional, or other representative may request an accommodation on behalf of a DFAS employee or applicant. The person making the request on behalf of the employee or applicant should address the request to one of the same persons to whom the employee or applicant would make the request. The applicable DFAS representative will work with the employee or applicant in processing the request, as appropriate.

2. RESPONSIBILITIES FOR PROCESSING THE REQUEST FOR ACCOMMODATION.

a. For record keeping purposes, employees and applicants **must** follow up an oral request either by completing a DFAS Form 9032, Confirmation of Request for Reasonable Accommodation, (see Figure 1) or by confirming their request in writing (including by email) to

the RAPM or for applicants to HR. HR will forward any Confirmations of Request for Reasonable Accommodation received to the RAPM.

b. The staff member receiving the request must determine who will be responsible for processing it and forward it, if necessary, to that person as soon as possible but within five business days of receiving the request. See Paragraph four (4) below on how to determine the responsible Agency official and paragraph five (5) on how to process a reasonable accommodation request. The individuals designated to process requests for reasonable accommodation are:

(1) Human Resources Specialist for applicants; or

(2) An employee's supervisor.

c. If a request can be processed by the employee's supervisor without supporting medical information being required, and with no extenuating circumstances delaying the process, the request should be processed and the accommodation, if approved, provided within **15 business days** from the date the supervisor, or other management official within employee's chain of command, receives the request.

d. If medical documentation is required, time frames may be longer.

e. Certain extenuating circumstances may delay providing reasonable accommodations within the time frames listed above. (See Enclosure 3, Paragraph 4).

f. Denial of reasonable accommodation must be recorded on the DFAS Form 9033, Denial of Reasonable Accommodation, Figure 2. The form outlines the individual's right to ask to file an EEO complaint, or pursue a union grievance under the negotiated grievance procedures.

g. Upon making a decision on the request, the decision maker must complete the DFAS Form 9034, "Reasonable Accommodation Information Reporting Form", electronically. See Figure 3. The form is located on the DFAS Diversity and EEO/Disability and Reasonable Accommodation e-Portal page. Submit this form within **10 business days** of the decision and provide to the RAPM.

3. WRITTEN REQUESTS FOR A REASONABLE ACCOMMODATION.

a. To enable DFAS to keep accurate records regarding requests for accommodation, employees seeking a reasonable accommodation **must** follow up an oral request either by completing the DFAS Form 9032, Confirmation of Request for Reasonable Accommodation,

(Figure 1) or otherwise confirming their request in writing (including by email) to the RAPM. The RAPM will be responsible for following up with the appropriate management official/supervisor regarding any requests received. For applicants seeking a reasonable accommodation, the Chief, HR Recruitment and Placement Operations Division or any staff member involved with the application process must give them the DFAS Form 9032, Confirmation of Request for Reasonable Accommodation, Figure 1, to fill out. If an individual with a disability requires assistance with this requirement, the staff member receiving the request will provide that assistance.

b. While the written confirmation should be made as soon as possible following the request, it is not a requirement for the request itself. DFAS will begin processing the request as soon as it is made.

c. For individuals who require repeated or ongoing accommodations (e.g. the assistance of a sign language interpreter or reader), written confirmation is required only for the first request, however, appropriate notice must be given each time the accommodation is needed. (See Appendix A, Procedures for Requesting Sign Language Interpreting Services, for information on requesting sign language interpreters.)

4. DETERMINING WHICH AGENCY OFFICIAL WILL PROCESS THE REQUEST.

a. As the first step in processing a request for reasonable accommodation, the DFAS staff member who receives the request must determine who will be responsible for handling the request and will promptly forward it to the appropriate individual (decision maker).

b. The request should be forwarded to the appropriate person as soon as possible, not to exceed five (5) business days. If the person receiving the request is not the decision maker or supervisor, he/she should promptly notify the employee's supervisor that the request has been made.

c. The Chief, HR Recruitment and Placement, Shared Service Center will be the decision maker for a job applicant's request for an accommodation.

d. Requests for accommodation from employees will be processed by the requesting employee's immediate supervisor.

e. Requests for the removal of an architectural barrier(s), including reconfigured work spaces. The requestor's supervisor will coordinate these requests with the Site Support Office Director who will, as necessary, coordinate with General Services Administration (GSA) or the facility owner.

f. Requests for reassignment to another job. The employee's supervisor will coordinate these requests with the HR office.

g. The RAPM may provide assistance to the supervisor for the following:

(1) Requests for a reader or sign language interpreter, or other staff assistant to enable employees to perform their job functions, where the accommodation cannot be provided by current staff. (See Appendix A, Procedures for Requesting Sign Language Interpreting Services, for information on requesting sign language interpreters, and Appendix B, Staff Assistant Slots, for information on hiring staff assistants.)

(2) Requests for materials in alternative formats (e.g., braille, large print).

(3) In addition, the RAPM will be available, as needed, to provide assistance to employees and decision makers in processing requests.

h. All decision makers must have designated back-ups to continue receiving, processing, and providing reasonable accommodations when the decision maker is unavailable. Decision makers should ensure that individuals know who has been designated as back-up. The time frames discussed in Enclosure 2, Requests for Medical Information, Paragraph 2, will not be suspended or extended because of the unavailability of a decision maker.

i. The back-up for a supervisor is his/her immediate supervisor.

j. The Chief, Recruitment and Placement, must establish internal procedures to ensure the continuity of required accommodation actions if responsibility for a recruitment action must be shifted from the primary staffing specialist to an alternate.

5. THE INTERACTIVE PROCESS.

a. After receiving the accommodation request, the next step is for the parties to begin the interactive process to determine what, if any, accommodation should be provided, and if any additional information is required. Requests for additional information are addressed in Enclosure three (3) below. This means that the individual requesting the accommodation and the DFAS decision maker must talk to each other about the request, the process for determining whether an accommodation will be provided, and potential accommodations.

b. Communication is a priority throughout the entire process. The DFAS decision maker, in conjunction with the employee, is responsible for identifying possible accommodations. The decision maker will take a proactive approach in searching out and considering possible accommodations, including consulting appropriate resources for assistance. The employee requesting the accommodation should also participate to the extent possible in helping to identify an effective accommodation and fully cooperate by providing the decision maker with information, including cooperation with any request made for supporting medical documentation. Resources available to help both the decision maker and the individual

requesting the accommodation to identify possible accommodations are listed in Appendix C, Reasonable Accommodation Resources. The RAPM is also available to provide assistance.

c. As soon as practical, the DFAS decision maker will discuss the following with the requesting applicant or employee:

(1) Explain to the applicant or employee that he/she will be making the decision on the request; and

(2) Refer the requesting employee or applicant to this Instruction and describe what will happen in processing of the request.

d. When a request for accommodation is made by a third party, the decision maker should, if possible, confirm with the applicant or employee with a disability that he/she, in fact, wants a reasonable accommodation before proceeding. It may not be possible to confirm the request if the individual has, for example, been hospitalized in an acute condition. In this situation, DFAS will process the third party's request and will consult directly with the individual needing the accommodation as soon as it is practicable.

e. Ongoing communication is particularly important where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are considering different possible reasonable accommodations. In those cases where the disability, the need for accommodation, and the type of accommodation which should be provided are clear, extensive discussions are not necessary. Even so, the decision maker and requesting individual should talk to each other to make sure that there is a full exchange of relevant information.

f. The decision maker or any other DFAS official who receives information in connection with a request for reasonable accommodation may share information connected with that request with other agency officials **only when the agency official(s) need to know the information in order to make determinations on a reasonable accommodation request**. See Enclosure 2, Requests for Medical Information, Paragraph 2, for specific rules governing the confidentiality of medical information. For example, the Site Support Office (SSO) will typically be consulted in connection with requests for changes to a workstation. However, the SSO **does not** “need to know” information about the *medical* condition of the person seeking the accommodation. The SSO only needs to know the employee’s *functional* limitations, insofar as, the limitations affecting workstation needs.

g. Where an individual requests a particular accommodation that is not effective or would pose an undue hardship, or is otherwise not legally required (e.g., removing an essential job function), the supervisor should continue the interactive process, exploring alternatives until either a reasonable accommodation is found or the supervisor determines no accommodation is available. As appropriate, Supervisors should consider a range of possible types of

accommodations, including: making physical modifications to the workplace; acquiring equipment or adaptive devices; modifying existing equipment; modifying policies; restructuring a job (while maintaining the essential job functions), granting part-time work, modifying a work schedule; providing sign language interpreters or readers, granting leave (use of accrued paid leave, or permitting unpaid leave), permitting telework, or reassignment to an existing vacant position.

h. Request for reassignment: When a reassignment is considered or requested as the reasonable accommodation, the following guidance must be followed:

(1) Reassignment to an existing vacant position the individual is otherwise qualified for should be considered only if no accommodations are available to enable the individual to perform his or her current job, or if the only effective accommodation would cause undue hardship. Reassignment is the accommodation of last resort.

(2) In considering whether there are positions available for reassignment, the manager will work with both HR and the individual requesting the accommodation to identify existing vacant positions for which the employee may be qualified, with or without reasonable accommodation. The DFAS Placement Assistance List (PAL) is established to assist management officials in identifying potential positions for placing qualified disabled individuals for whom reassignment is a reasonable accommodation.

(3) Reassignment may be made to an existing vacant position outside of the employee's commuting area if the employee is willing to relocate. As with other reassignments not required by management, DFAS may not pay for the employee's relocation costs.

ENCLOSURE 3

PROCESSING OF ACCOMMODATION REQUESTS

1. DOCUMENTATION ABOUT THE DISABILITY AND FUNCTIONAL LIMITATIONS

a. DFAS is entitled to know that an employee or applicant requesting a reasonable accommodation has a covered disability that requires a reasonable accommodation. In some cases the disability and need for accommodation will be obvious or otherwise already known to the decision maker. In these cases, DFAS will not seek any further medical information. However, when a disability and/or need for reasonable accommodation is not obvious or otherwise already known to the decision maker, DFAS may require that the individual provide reasonable documentation about the disability and his or her functional limitations.

b. If a supervisor or other decision maker believes that medical information is necessary in order to evaluate a request for reasonable accommodation, he/she will consult with the HR Management – Employee Relations Division for advice.

c. If a determination is made to seek medical information or documentation, the supervisor/decision maker **should, within three (3) business days of receiving the request,** request the information from the employee sufficient to substantiate that he/she has a Rehabilitation Act disability and needs the reasonable accommodation requested, but will not ask for unrelated documentation. DFAS requests for medical information will follow the requirements set forth in the EEOC’s *Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act,*” Reference (a).

d. The supervisor/decision maker will seek information or documentation about the disability and/or functional limitations from the individual, and/or ask the individual to obtain such information from an appropriate professional, such as a doctor or rehabilitation counselor. In order to get the most helpful information, all requests for information should describe the nature of the job, the essential functions the individual is expected to perform, and any other relevant information. The supervisor should work with HR in seeking additional guidance or advice regarding appropriate information.

e. Employees are expected to provide the requested medical documentation within a reasonable period of time, generally **not more than 15 calendar days from the date of the request** for medical documentation. Employees should maintain a copy of the information provided to the requesting supervisor/decision maker. If, despite the good faith effort of the employee to obtain this information, more time is needed, the supervisor/decision maker may grant additional time, generally **not more than an additional 15 calendar days.**

f. Once the medical documentation is received, the supervisor/decision maker will evaluate the information, in consultation with the servicing MER Specialist and may also seek a medical expert of DFAS's choice, at the agency's expense, if necessary.

g. If the information provided by the health professional (or the information volunteered by the individual requesting the accommodation) is insufficient to enable the decision maker to determine whether an accommodation is appropriate, the decision maker may ask for further information. If this occurs, the requesting employee will be advised on what additional information is needed, why the information provided is insufficient, and why it is necessary for a determination on the reasonable accommodation requests. First, however, he/she will explain to the individual seeking the accommodation, in specific terms, why the information which was provided is insufficient, what additional information is needed, and why it is necessary for a determination of the reasonable accommodation request.

i. The individual may then ask the health care or other appropriate professional to provide the missing information.

j. Alternatively, the decision maker and the individual requesting the accommodation may agree that the individual will sign a limited release, and that DFAS may thereafter submit a list of specific questions to the individual's health care professional or may otherwise contact the individual's doctor.

k. If, after a reasonable period of time, generally **not more than 15 days after the date of the request**, there is still not sufficient information to demonstrate that the individual has a disability and needs a reasonable accommodation, the decision maker will make a decision based on the information he/she was provided.

l. In some cases, the individual requesting the accommodation will supply medical information directly to the decision maker without being asked. In these cases, the decision maker will consider such documentation and if additional information is needed, the decision maker will work with HR, as set forth in this section. (See Paragraph 2, below, for instructions on storage of this information.)

m. The failure to provide appropriate documentation or to cooperate in DFAS's efforts to obtain such documentation may result in a denial of the reasonable accommodation.

2. CONFIDENTIALITY REQUIREMENTS REGARDING MEDICAL INFORMATION OBTAINED IN THE REASONABLE ACCOMMODATION PROCESS.

a. Medical information obtained in connection with the reasonable accommodation process must be kept confidential. This means that all medical information, including information about functional limitations and reasonable accommodation needs, that DFAS obtains in connection with a request for reasonable accommodation must be

kept in files separate from the individual's personnel file. It also means that any DFAS employee who obtains or receives such information is strictly bound by these confidentiality requirements.

b. The supervisor/decision maker will maintain custody of all records obtained or created during the processing of a request for reasonable accommodation, including medical records, and will respond to all requests for disclosure of the records. All records will be maintained in accordance with the Privacy Act of 1974, Reference (b); the requirements of 29 C.F.R. 1611, Reference (c); and DFAS 5400.11-R, "Privacy Program Regulation," Reference (d).

c. This medical information may be disclosed for Official use Only. Examples include:

(1) Supervisors, managers, servicing HR advisors, and Agency legal counsel who need to know 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. This includes gaining supervisors in cases of reassignment of an employee with an approved reasonable accommodation.

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

(3) The RAPM when the information is requested in accordance with this procedure or when necessary in order to comply with reporting requirements;

(4) Government officials may be given information necessary to investigate the agency's compliance with the Rehabilitation Act; and

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

d. Whenever medical information is disclosed, the individual disclosing the information must inform the recipients of the information, in writing, about the confidentiality requirements that are attached to the information.

3. TIME FRAMES FOR PROCESSING REQUESTS AND PROVIDING REASONABLE ACCOMMODATIONS.

a. DFAS will process requests for reasonable accommodation and provide accommodations, where they are appropriate, **in as short a time frame as reasonably possible**. DFAS recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information.

b. Expedited processing. In certain circumstances, a request for reasonable accommodation requires an expedited review and decision in a time frame that is shorter than the 15 or 20 business days discussed below. This includes where a reasonable accommodation is needed:

(1) 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.

(2) To enable an employee to attend a meeting scheduled to occur shortly. For example, an employee may need a sign language interpreter for a meeting scheduled to take place in five (5) days.

c. If a request can be processed by the employee's supervisor without supporting medical information being required, and with no extenuating circumstances delaying the process, the request should be processed and the accommodation, if approved, provided within **15 business days** from the date the supervisor, or other management official within employee's chain of command, receives the request, or sooner, if possible. In order to accommodate this time requirement, decision makers should begin the interactive process and collect all relevant information about possible accommodations as soon as possible and not delay beginning this process. Failure to timely reach a decision solely because a decision maker delayed processing the request is not an extenuating circumstance. (See information on "extenuating circumstances" in Paragraph 4, below).

d. If the decision maker believes that it is necessary to obtain medical information to determine whether the requesting individual has a disability and/or to identify the functional limitations, the decision maker will request this information from the employee as soon as possible after his or her receipt of the request for accommodation. It is recognized that the need for documentation may not become apparent until after the interactive process has begun.

e. If the supervisor, in coordination with HR Employee Relations Division, determines that medical documentation is needed, the decision shall be made and the accommodation, if granted, should be provided within **15 business days** from the date the decision maker receives the relevant information from the employee.

f. Examples of accommodations which might easily be provided within this 15-day time frame include:

(1) An employee with diabetes who sits in an open area asks for four breaks a day to test her blood sugar levels so that she may do these tests in private.

(2) An employee who takes anti-depressants which makes it hard to get up in time to get to the office by the site's core hour starting time, requests that he/she be allowed to start work 1 hour later and still put in an 8 hour day.

(3) A supervisor distributes detailed agendas at the beginning of each staff meeting. An employee with a learning disability asks that the agenda be distributed ahead of time, because the disability makes it difficult to read and he needs more time to prepare.

4. EXTENUATING CIRCUMSTANCES. These are factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation. Where possible, reasonable accommodation requests will be addressed within fifteen days of the initial request. All DFAS staff are expected to act as quickly as reasonably possible in processing requests and providing accommodations.

a. Extenuating circumstances cover limited situations where unanticipated or unavoidable events prevent prompt processing and delivery of an accommodation. For example, DFAS may not delay processing or providing an accommodation, because a particular staff member is unavailable. (See Enclosure 2, Paragraph 4, for designating back-ups to handle requests when the decision maker is unavailable.)

b. Where extenuating circumstances are present, the decision maker must notify the requesting employee of the reason for the delay, and, when possible, the approximate date on which a decision, or provision of the reasonable accommodation, is expected. Any further developments or changes should also be communicated promptly to the requesting employee.

c. If there is a delay in providing an accommodation which has been approved, the decision maker must investigate whether temporary measures can be taken to assist the employee. This could include providing the requested accommodation on a temporary basis or providing a less effective form of accommodation. In addition, the decision maker may provide measures that are not reasonable accommodations within the meaning of the law (e.g., temporary removal of an essential function) if:

(1) They do not interfere with the operations of the Agency; and

(2) The employee is clearly informed that they are being provided only on a temporary, interim basis.

d. For example, there may be a delay in receiving adaptive equipment for an employee with a vision disability. During the delay, the supervisor might arrange for other employees to act as readers. This temporary measure may not be as effective as the adaptive equipment, but it will allow the employee to perform as much of the job as possible until the equipment arrives.

e. If a delay is attributable to the need to obtain or evaluate medical documentation and DFAS has not yet determined that the individual is entitled to an accommodation, DFAS may also provide an accommodation on a temporary basis. In such a case, the decision maker will notify the individual in writing that the accommodation is being provided on a temporary basis pending a decision on the accommodation request.

f. DFAS decision makers who approve such temporary measures are responsible for assuring that they do not take the place of a permanent accommodation and that all necessary steps to secure the permanent accommodation are being taken.

g. The deadlines listed in this procedure are internal management direction and goals. They do not create any right of action for employees.

ENCLOSURE 4

GRANTING OR DENYING A REASONABLE ACCOMMODATION REQUEST

1. GRANTING A REASONABLE ACCOMMODATION REQUEST. If the decision maker determines that a reasonable accommodation will be provided, that decision should be communicated to the individual who made the request as soon as possible, but generally not more than three (3) business days of making the decision. If the accommodation cannot be provided immediately, the decision maker must inform the individual of the projected time frame for providing the accommodation. This notice does not need to be in writing.

2. DENIAL OF REASONABLE ACCOMMODATION REQUEST.

a. When the decision maker determines that a request for reasonable accommodation will be denied, he/she must fill out the DFAS Form 9033, Denial of Reasonable Accommodation Request, Figure 2, as soon as practical and give it to the individual who requested the accommodation. The explanation for the denial should be written in plain language, clearly stating the specific reasons for the denial. Where the decision maker has denied a specific requested accommodation, but offered to make a different one in its place which was not agreed to during the interactive process, the denial notice should explain both the reasons for the denial of the requested accommodation and the reasons that the decision maker believes that the chosen accommodation will be effective. Reasons for the denial of a request for reasonable accommodation may include the following:

(1) The requested accommodation would not be effective (actual notice to the individual must include specific reasons for the denial, for example, why the accommodation would not be effective or why it would result in undue hardship).

(2) Providing the requested accommodation would result in undue hardship to DFAS. Before reaching this determination, the decision maker must have explored whether other effective accommodations exist which would *not* impose undue hardship and therefore can be provided. A determination of undue hardship means that the agency finds that a specific accommodation would result in significant difficulty or expense, or would fundamentally alter the nature of DFAS's operations. When evaluating budgetary or administrative concerns to determine if undue hardship exists, the EEOC will follow the standards enunciated in the regulations and in the "*Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act*," Reference (a).

(3) Medical documentation is inadequate to establish that the individual has a disability and/or needs a reasonable accommodation.

(4) The requested accommodation would require the removal of an essential function.

(5) The requested accommodation would require the lowering of a performance or production standard.

b. The written notice of denial also informs the individual that he/she has the right to file an EEO complaint and may have rights to pursue a union grievance. The notice also explains DFAS's procedures available for informal dispute resolution.

c. An individual dissatisfied with the resolution of a reasonable accommodation request can ask the management official at the next level above the original deciding official to reconsider that decision. An individual must request reconsideration within **10 business days** of receiving notification of the original decision. A request for reconsideration will not extend the time limits for initiating administrative, statutory, or collective bargaining claims. (See section 4 below.)

3. INFORMATION TRACKING AND REPORTING.

a. Upon making a decision on the accommodation request, the decision maker will complete the electronic DFAS Form 9034, Reasonable Accommodation Information Reporting Form, Figure 3, located on the Diversity and EEO/Disability and Reasonable Accommodation e-Portal and submit it to the RAPM within **10 business days** of the decision. The RAPM will send an email message confirming the receipt of the report to the decision maker. The decision maker should maintain a copy of this message along with all of the information, including medical information; he/she received as part of processing the request.

b. The RAPM will maintain a copy of all forms associated with processing the request for the duration of the employee's tenure with DFAS or three years.

c. The RAPM will prepare annually a report, to be made available to all employees. The report will contain the following information, presented in the aggregate:

(1) The number of reasonable accommodations, by type, that have been requested in the application process and whether those requests have been granted or denied;

(2) The jobs (occupational series, grade level, and agency component) for which reasonable accommodations have been requested;

(3) The types of reasonable accommodations that have been requested for each of those jobs;

(4) The number of reasonable accommodations, by type, for each job that have been approved, and the number of accommodations, by type, that have been denied;

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

- (6) The reasons for denial of requests for reasonable accommodation;
 - (7) The amount of time taken to process each request for reasonable accommodation; and
 - (8) The sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations.
- (9) In addition, the report will provide a qualitative assessment of the DFAS reasonable accommodation program, including any recommendations for improvement of DFAS reasonable accommodation policies and procedures.

4. RELATION OF PROCEDURES TO STATUTORY AND COLLECTIVE BARGAINING CLAIMS.

a. This policy is in addition to 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, including time frames for filing such claims, remain unchanged.** An individual who chooses to pursue statutory or collective bargaining remedies for denial of reasonable accommodation **may:**

b. For an EEO complaint: contact the EEO Informal Complaints Manager in the Office of Equal Opportunity Programs (OEOP), Central Complaints Processing Center at (317) 510-2165 within 45 days from the date of receipt of the written notice of denial.

c. For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement; or

d. Initiate an appeal to the Merit Systems Protection Board within 30 days of an appealable adverse action as defined in 5 C.F.R. 1201.3, Reference (e).

5. INQUIRIES AND DISTRIBUTION.

a. Any person wanting further information concerning these procedures may contact the RAPM at (614) 693-8035, or via email at "Reasonable Accommodation Program Manager."

b. These instructions shall be distributed to all employees upon issuance, and annually thereafter. They also will be posted on the DFAS intranet and internet site. Copies also will be available in OEOP offices and personnel offices. They shall also be distributed to all new employees as part of their orientation on their first day of work. These instructions will be provided in alternative formats, including simplified format, when requested from the RAPM by, or on behalf of, any DFAS employee.

APPENDIX A

PROCEDURES FOR REQUESTING SIGN LANGUAGE INTERPRETING SERVICES FOR DFAS EVENTS

1. CONSIDERATION OF REQUEST. DFAS will consider an individual's request if it is made to any of the following: his/her supervisor; a supervisor or manager in his/her immediate chain of command; the Office of Equal Opportunity Programs (OEOP); any other office designated by DFAS; or, in connection with the application process, any DFAS employee with whom the applicant has contact. Employees are not required to use particular words in their requests. DFAS will not delay processing a request pending receipt of a written request.
2. EMPLOYEE OR APPLICANT RESPONSIBILITIES. The employee or applicant for employment may start the process by making an oral or written request for a reasonable accommodation, in this instance, a request for sign language interpreter services.
3. EVENT PLANNER RESPONSIBILITIES. The event planner or responsible management official must ascertain the need for reasonable accommodation and request such, unless it creates an undue hardship on the operation of the agency. The event planner or responsible management official arranges logistical support required to host the sign language interpreter (e.g., access to the facility, etc).
4. SITE SUPPORT OFFICE RESPONSIBILITIES. The SSO has management and oversight responsibilities for processing all official DFAS requests for sign language interpreter services.
5. REQUESTING SIGN LANGUAGE INTERPRETER SERVICES VIA ON-LINE REQUEST FORM (OLRF).
 - a. To ensure availability and facilitate scheduling, the following guidelines apply in requesting sign language interpreter services:
 - b. Requests for sign language interpreter services for events lasting 24 hours or less should be made at least five (5) business days prior to the event date. Requests submitted to SSO in less than five (5) business days may not be supported.
 - c. Requests for sign language interpreter services for events lasting longer than one (1) day should be submitted at least two (2) weeks prior to the scheduled event date.
 - d. Tentative requests for sign language interpreter services cannot be supported.
 - e. Request for sign language interpreter services for open or continuing events and programs (*i.e. EAP events, Health Fairs, etc.*) should be made by the employee who personally requires the service.

6. CONFIRMING SIGN LANGUAGE INTERPRETER SERVICES.

a. The Site Support Office's Interpreting Services Coordinator will confirm the receipt of all requests by email within 24 hours. The ISC will also provide the name(s) of the sign language interpreter(s) to the requestor as soon as they are identified by the service provider.

b. At the conclusion of the event, the individual requesting the service must submit a receiving report to the ISC. The receiving report should include any deficiencies in the service provided.

7. CHANGING SCHEDULED SIGN LANGUAGE INTERPRETER SERVICES.

a. Occasionally, a requestor will need to change a scheduled sign language interpreter assignment. To make a change to a scheduled assignment, the requestor will submit an email message to the ISC notifying him/her of the requested changes.

b. Changes requested less than two (2) business days in advance of a scheduled assignment may result in premium or cancellation fees being charged by the interpreting agency providing the service.

c. Requests to change the dates of the scheduled interpreter assignment will be treated as a cancellation of the original request and an initiation of a new request. See below for details on cancellations.

8. CANCELLING SIGN LANGUAGE INTERPRETER SERVICES.

a. Sometimes there may be factors that DFAS could not have anticipated or avoided that will delay the consideration or provision of a reasonable accommodation. In such circumstances, the ISC will notify the individual of the reason for the delay and consider whether there are temporary measures that could be taken to assist the requestor until a decision on the requested accommodation can be made.

b. DFAS will make every effort to meet all interpreting requirements. However, occasionally assignments will be cancelled for reasons beyond the ISCs control. In these circumstances, the ISC will contact the requestor as it is determined that the service is not available.

c. Cancellations of interpreting assignments by the requestor made less than two (2) business days before the scheduled frequently results in DFAS incurring cancellation fees. Short-notice cancellations should be avoided if at all possible. This ISC will attempt to minimize the incurrence of cancellation fees through reassigning the contracted interpreters to other events/meetings where it is possible.

d. If a sign language interpreter arrives for an assignment and the participants are absent, the sign language interpreter will wait 30 minutes beyond the scheduled start time. He/she will then contact the ISC for possible reassignment to other events/meetings.

9. DISALLOWING SIGN LANGUAGE INTERPRETER SERVICES.

a. On occasion a request cannot be honored. If a request is disallowed by SSO, the ISC will inform the individual in writing of the denial and the specific reasons for it. SSO will also notify the individual that he/she has a right to file an EEO complaint and to engage DFAS' informal dispute resolution procedures.

b. Requests for interpreting support for events from external organizations, unless exempt from coverage under Title III of the Americans with Disabilities Act as private clubs or establishments (e.g., FEA, ASMC, AGA, etc.), cannot be supported. Only those events considered a benefit or privilege of federal employment can be supported.

c. Questions regarding the procedures outlined above should be directed to the local servicing site ISC.

APPENDIX B

STAFF ASSISTANT SLOTS

1. STAFF ASSISTANT SLOTS. After engaging in the reasonable accommodation process outlined in this Instruction, DFAS may 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 auditor with limited or no upper extremity mobility may need assistance in physically organizing an audit file. The auditor will perform the essential functions of the position -- e.g., conduct the audit 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 RAPM from the DFAS staff member who received the request. The RAPM will first determine whether staff assistants already hired by DFAS can fulfill an employee's needs. The RAPM 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 RAPM approves the request to hire a staff assistant, the employee's supervisor or his/her designee, in consultation with the HR, if necessary, should prepare a Request for Personnel Action 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 form of reasonable accommodation for employees with disabilities who have engaged and been approved the accommodation consistent with the reasonable accommodation process outlined in this Instruction. Staff hired shall be shared to provide assistance to more than one employee with a disability, where appropriate. These staff assistants cannot 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/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 C.F.R 213.3102 (ll) ["ll" is double "L"], Reference (f). 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 HR Specialist shall notify the RAPM, who will take appropriate steps.

APPENDIX C

REASONABLE ACCOMMODATION RESOURCES

1. ACCESS BOARD.

The Access Board or Architectural and Transportation Compliance Board provide technical assistance for the Americans with Disabilities Act (ADA) accessibility guidelines.

Contact:

Access Board
1331 F. Street NW, Suite 1000
Washington, DC 20004
Documents and questions: 1-800-872-2253 (Voice) 1-800-993-2822 (TDD)
Electronic bulletin board: 1-202-272-5448
<http://www.access-board.gov/>

2. JOB ACCOMMODATION NETWORK (JAN).

JAN, a service of the Office of Disability Employment Policy, is a toll-free information and referral service on job accommodations for people with disabilities; on the employment provisions of the ADA; and on resources for technical assistance, funding, education, and services related to the employment of people with disabilities. In addition, JAN analyzes trends and statistical data related to the technical assistance it provides.

Contact:

JAN 1-800-526-7234 or
1-800-ADA-WORK (1-800-232-9675)
<http://www.jan.wvu.edu>

3. COMPUTER/ELECTRONIC ACCOMMODATIONS PROGRAM (CAP).

CAP provides assistive technology as a form of reasonable accommodation to enable a qualified person with a disability to perform the essential functions of the job. CAP's scope is to provide the assistive technology used to modify the computer and telecommunication environment for federal employees with disabilities.

Contact:

CAP - Main Office
5111 Leesburg Pike, Suite 810
Falls Church, VA 22041
(703) 681-8813 (Voice)

(703) 681-0881 (TTY)
(703) 681-9075 (Fax)
cap@tma.osd.mil (Email)
<http://www.tricare.osd.mil/cap/>

4. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) Enforcement Guidance.

Employees may refer to the Equal Employment Opportunity Commission's (EEOC) *"Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act"*, Reference (a), (available on EEOC's internet site, www.eeoc.gov) for additional information on the rights and responsibilities of applicants and employees requesting reasonable accommodation, and the responsibilities of DFAS personnel involved in responding to those requests.

Figure 1. DFAS Form 9032, Confirmation of Request for Reasonable Accommodation

CONFIRMATION OF REQUEST FOR REASONABLE ACCOMMODATION	
1. TODAY'S DATE:	2. DATE OF REQUEST:
3. APPLICANT'S/EMPLOYEE'S NAME (Last, First, MI):	4. APPLICANT'S/EMPLOYEE'S OFFICE:
5. APPLICANT'S/EMPLOYEE'S PHONE NUMBER:	6. NAME OF SUPERVISOR (Last, First, MI):
10. NAME OF PERSON THIS REQUEST WAS MADE TO:	
7. TYPE OF ACCOMMODATION REQUESTED: (Be as specific as possible, e.g., adaptive equipment, reader, interpreter)	
8. REASON FOR REQUEST:	
9. IF ACCOMMODATION IS TIME SENSITIVE, PLEASE EXPLAIN:	
RETURN FORM TO REASONABLE ACCOMMODATION PROGRAM MANAGER (RAPM)	
10. RAPM WILL ASSIGN LOG NUMBER:	

Figure 2. DFAS Form 9033, Denial of Reasonable Accommodation Request

DENIAL OF REASONABLE ACCOMMODATION REQUEST		
1. REQUESTOR'S NAME (Last, First, MI):		2. TYPE(S) OF REASONABLE ACCOMMODATION REQUESTED:
3. REQUEST FOR REASONABLE ACCOMMODATION DENIED BECAUSE: (SELECT ALL THAT APPLY)		
<input type="checkbox"/> ACCOMMODATION INEFFECTIVE	<input type="checkbox"/> ACCOMMODATION WOULD CAUSE UNDUE HARDSHIP	
<input type="checkbox"/> MEDICAL DOCUMENTATION INADEQUATE (Please see Note)	NOTE: DUE TO FAILURE TO ESTABLISH A DISABILITY OR THE PERSON MAKING THE REQUEST FAILED TO ESTABLISH THAT HE/SHE IS A QUALIFIED INDIVIDUAL WITH A DISABILITY.	
<input type="checkbox"/> ACCOMMODATION WOULD REQUIRE REMOVAL OF AN ESSENTIAL FUNCTION	<input type="checkbox"/> ACCOMMODATION WOULD REQUIRE LOWERING OF PERFORMANCE OR PRODUCTION STANDARD	
<input type="checkbox"/> OTHER		
4. PLEASE IDENTIFY "OTHER" REASONS THAT THIS REQUEST IS DENIED:		
DETAILED REASON(S) FOR THE DENIAL OF REASONABLE ACCOMMODATION (MUST BE SPECIFIC, e.g., WHY ACCOMMODATION IS INEFFECTIVE OR CAUSES UNDUE HARDSHIP):		
5. DETAILED REASONS:		
IF THE INDIVIDUAL PROPOSED ONE TYPE OF REASONABLE ACCOMMODATION WHICH IS BEING DENIED, BUT REJECTED AN OFFER OF A DIFFERENT TYPE OF REASONABLE ACCOMMODATION, EXPLAIN BOTH THE REASONS FOR DENIAL OF THE REQUESTED ACCOMMODATION AND WHY YOU BELIEVE THE CHOSEN ACCOMMODATION WOULD BE EFFECTIVE.		
6. DISCUSS:		
IF A FEDERAL APPLICANT OR EMPLOYEE WISHES TO FILE AN EEO COMPLAINT, OR PURSUE UNION GRIEVANCE PROCEDURES, HE/SHE 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 OFFICE <i>WITHIN 45 DAYS FROM THE DATE OF RECEIPT OF THIS NOTICE OF DENIAL OF REASONABLE ACCOMMODATION</i> ; OR FOR A COLLECTIVE BARGAINING CLAIM, FILE A WRITTEN GRIEVANCE IN ACCORDANCE WITH THE PROVISIONS OF THE COLLECTIVE BARGAINING AGREEMENT.		
7. NAME OF DECIDING OFFICIAL:	8. SIGNATURE OF DECIDING OFFICIAL:	9. DATE REASONABLE ACCOMMODATION DENIED:

Figure 3. DFAS Form 9034, Reasonable Accommodation Information Reporting Form

REASONABLE ACCOMMODATION INFORMATION REPORTING FORM (to be completed by the manager or other official who processed the Accommodation Request)	
1. REASONABLE ACCOMMODATION (CHECK ONE):	
<input type="checkbox"/> APPROVED	
<input type="checkbox"/> DENIED (If denied, attach copy of the written denial letter/memo that was sent to individual)	
2. DATE REASONABLE ACCOMMODATION REQUESTED:	3. WHO RECEIVED REQUEST:
4. DATE REASONABLE ACCOMMODATION REQUEST REFERRED TO DECISION MAKER (i.e., SUPERVISOR OR OTHER MANAGER/SUPERVISOR IN CHAIN OF COMMAND):	
5. WHO RECEIVED REQUEST:	6. DATE REASONABLE ACCOMMODATION APPROVED OR DENIED:
7. DATE REASONABLE ACCOMMODATION PROVIDED (IF DIFFERENT FROM DATE APPROVED):	
8. IF TIME FRAMES OUTLINED IN THE REASONABLE ACCOMMODATION PROCEDURES WERE NOT MET, PLEASE EXPLAIN WHY:	
9. JOB HELD OR DESIRED BY INDIVIDUAL REQUESTING REASONABLE ACCOMMODATION (INCLUDING OCCUPATIONAL SERIES, GRADE LEVEL, AND OFFICE):	
10. REASONABLE ACCOMMODATION NEEDED FOR (CHECK ONE):	
<input type="checkbox"/> APPLICATION PROCESS	
<input type="checkbox"/> PERFORMING JOB FUNCTIONS OR ACCESSING THE WORK ENVIRONMENT	
<input type="checkbox"/> ACCESSING A BENEFIT OR PRIVILEGE OF EMPLOYMENT (e.g., ATTENDING A TRAINING PROGRAM OR SOCIAL EVENT)	
11. TYPE(S) OF REASONABLE ACCOMMODATION REQUESTED (e.g., ADAPTIVE EQUIPMENT, STAFF ASSISTANT, REMOVAL OR ARCHITECTURAL BARRIER):	
12. TYPE(S) OF REASONABLE ACCOMMODATION PROVIDED (IF DIFFERENT FROM WHAT WAS REQUESTED):	
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, REASONABLE ACCOMMODATIONS PROGRAM MANAGER):	
15. COMMENTS:	
16. SUBMITTED BY:	17. PHONE NUMBER:

GLOSSARYPART I. ABBREVIATIONS/ACRONYMS

DFAS	Defense Finance and Accounting Service
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
GSA	General Services Administration
HR	Human Resources
ISC	Interpreting Services Coordinator
OEOP	Office of Equal Opportunity Programs
OLRF	On-Line Request Form
PAL	Placement Assistance List
RAPM	Reasonable Accommodation Program Manager
SSO	Site Support Office

PART II. DEFINITIONS

1. 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.
2. 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; and (2) he/she can perform the essential functions of the position, with or without reasonable accommodation.
3. Essential Functions. Those job duties that are 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.
5. Undue Hardship. If a specific type of reasonable accommodation causes *significant difficulty or expense*, then DFAS does not have to provide that particular accommodation.