

# National Guard Bureau (NGB) Army and Air National Guard Readiness Centers

NGB- Equity and Inclusion (NGB-EI) Office

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## Reasonable Accommodation Guide

July 2021

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### Procedures to Facilitate the Provision of Reasonable Accommodation (RA)

*Reasonable accommodation removes workplace barriers for individuals with disabilities. Reasonable accommodation is available to qualified employees, regardless if they are part-time, full-time, or job applicants*

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# **NATIONAL GUARD REASONABLE ACCOMODATION GUIDE**

## **References**

- A. Section 501, Rehabilitation Act of 1973, as amended, 29 U.S.C.§ 791
- B. Americans with Disabilities Act Amendments Act of 2008, Titles I and V
- C. Executive Order 13164 of 26 July 2000
- D. 29 Code of Federal Regulations § 1630
- E. EEOC Management Directive 715 (MD-715), 1 October 2003
- F. Equal Employment Opportunity and Diversity, Army Regulation 690-12, Appendix C, 12 December 2019
- G. Equal Employment Opportunity and Affirmative Employment Programs, AFI 36-205, Chapter8, 1 December 2016
- H. EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, 17 October 2002
- I. Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army, 15 December 1993
- J. Executive Order 13548, 26 July 2010

## **Purpose**

The purpose of this guide is to establish guidance, outline roles and responsibilities and implement the provisions of the Reasonable Accommodations (RA) and Personal Assistance Service (PAS) request.

## **Applicability and Scope**

This guide applies to National Guard Readiness Centers (NGRC) in the National Capital Region (NCR) and satellite field offices, it covers civilian personnel and military supervisors of civilian personnel, all appropriated (APF) and non-appropriated (NAF) civilian employees and applicant(s) for employment.

## **Policy**

The NGRCs will provide this guide for reasonable accommodations to employees and all job applicants in written and accessible formats as required. The NGRCs reasonable accommodation policy is an important aspect of our commitment to create employment opportunities for individuals with disabilities in accordance with References (A) to (J). Managers/supervisors are expected to make every effort to provide reasonable accommodation to employees with disabilities, unless to doing so would cause an undue hardship. Reassignment is an option of last resort. It is the NGB's policy to reassign a qualified employee with a disability in accordance with applicable references to a vacant, funded position within the agency. If the employee is unable to perform, the essential functions of his/her present position with or without accommodation because of a disability and is able to perform the essential functions of the identified position, with or without accommodation.

In accordance with the Rehabilitation Act of 1973, 29 U.S.C. § 791, it is NGB's policy to provide reasonable accommodation to qualified employees or applicants with disabilities, unless to do so would cause undue hardship to the agency. The NGRC's are committed to providing reasonable accommodations to NG employees and applicants for employment in order to ensure that individuals with disabilities have full access to equal employment opportunities at all NG enterprises. This means that the NGRC's and satellite field offices provides reasonable accommodation when:

- An applicant for employment with a disability needs an accommodation in order to be considered for a job;
- 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; and
- An employee with a disability needs an accommodation to enjoy equal benefits and privileges of employment to those enjoyed by employees without disabilities.

NGRC's Disability Program Manager (DPM) or the Disability Program Coordinator (DPC) will assist management to process requests for reasonable accommodation and, when appropriate, provide reasonable accommodations in a prompt, fair, and efficient manner.

This Guide reflects significant changes to the definition of "disability" under the Americans with Disabilities Act (ADA) and to comply with Equal Employment Opportunity Commission (EEOC) regulations on agency implementation of the Rehabilitation Act, 29 C.F.R. § 1614.203. The NGRCs will apply the standards set forth in Title I of the ADA Amendments Act of 2008 (ADAAA) when determining whether and to what extent to provide reasonable accommodation under the Rehabilitation Act. *The ADAAA emphasizes that agencies should construe the definition of disability in favor of broad coverage of individuals, making it easier for an individual seeking protection under the ADA to establish that he or she has a disability within the meaning of the statute.*

In accordance with applicable EEOC regulation, 29 C.F.R. § 1614.203(d)(5), it is NGB's policy to provide access to personal assistance services ("PAS") to individuals with targeted disabilities. NGRCs will process requests and make determinations for PAS in the same manner as it processes requests and makes determinations for reasonable accommodation.

### **Definitions:**

- A. Accessible: Enterable, operable, safely usable, or otherwise open to participation, independently and with dignity, by a person with a disability. The term "accessible" can apply to a work environment, service, program, etc.

- B. Appeal: A voluntary process through which an individual can request reconsideration of a denial of a request for reasonable accommodation.
- C. Applicant: A person who has applied, or would like to apply, for employment at NGB/NGRCs.
- D. Decision Maker: The NGRCs official with the authority to make a determination on whether or not to provide an accommodation in a given circumstance. The decision maker can be the Senior Leader, an immediate supervisor, an Office or Division Director, with authority over the appropriate office or division, or the Director or Deputy Director of the Office of Human Resources.
- E. Denial: A determination by the decision maker to deny a request for a specific reasonable accommodation where the decision maker does not offer an alternative reasonable accommodation or where the requester declines an alternative reasonable accommodation offered by the decision maker.
- F. Disability: With respect to an individual, (1) A physical or mental impairment that substantially limits one or more major life activities; (2) a record of such an impairment; or (3) being regarded as having such an impairment, which means that the individual has been subjected to an action prohibited by the ADA as amended because of an actual or perceived impairment that is not both “transitory and minor.”
- G. Employee. A person employed by the National Guard (Department of the Army or Department of the Air Force).
- H. Essential Functions: The fundamental job duties of the employment position the individual with a disability holds or desires. The term “essential functions” does not include the marginal functions of the position. A job function may be an “essential function” if, among other things: (1) the reason the position exists is to perform that function; (2) there are a limited number of other employees who could perform the function; and/or (3) the function is specialized and the individual is hired based on his or her ability to perform that particular function.
- I. GINA: Genetic Information Nondiscrimination Act of 2008, Pub. L. 110-233.
- J. Grant: A determination by the decision maker to approve either a request for a specific reasonable accommodation or a reasonable accommodation other than that requested but which both the requester and decision maker believe will be effective.
- K. Individual: The applicant or employee for whom the accommodation is requested.

- L. Interactive Process: An informal process by which the NGRC DPM/DPC will communicate with an employee or applicant who has requested a reasonable accommodation. This process will identify the specific limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations.
- M. Personal Assistance Services (PAS): Assistance with performing activities of daily living that an individual would typically perform if he or she did not have a disability, and that is not otherwise required as a reasonable accommodation. Examples include, but are not limited to, assistance with removing and putting on clothing, eating, and using the restroom. Per EEOC Regulation, agencies need only provide PAS to individuals with “targeted disabilities,” as defined below.
- N. Physical or Mental Impairment: Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as the neurological, musculoskeletal, special sense organ, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine systems; or any mental or psychological disorder, such as an intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness, and specific learning disability.
- O. Qualified: With respect to an individual with a disability, “qualified” means that the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of such position
- P. Reasonable Accommodation: Modifications or adjustments to a job application process that enables a qualified applicant with a disability to be considered for the position such qualified applicant desires; modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable an individual with a disability who is qualified to perform the essential functions of that position; modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

Examples of accommodation include, but are not limited to:

- a. Making existing employee facilities readily accessible to and useable by individuals with disabilities;
- b. Job restructuring;
- c. Part-time or modified work schedules;
- d. Reassignment to a vacant position (and not just permission to compete for such a position);

- e. Acquisition or modifications of equipment or devices;
- f. Appropriate adjustment or modifications of examinations, training materials, or policies; and
- g. Provision of qualified readers or interpreters.

Q. **Requester:** The person who requests the reasonable accommodation or PAS. The requester can be the disabled applicant or employee, or a family member, healthcare professional, or other representative of the disabled applicant or employee.

R. **Targeted Disability:** a disability that is designated as a “targeted disability or health condition” on the Office of Personnel Management’s Standard Form 256 or that falls under one of the first 12 categories of disability listed in part A of question 5 of the Employment Opportunity Commission’s Demographic Information on Applicants form. Targeted disabilities include, but are not limited to, deafness or serious difficulty hearing, blindness or serious difficulty seeing even when wearing glasses, missing extremities, partial or complete paralysis, significant mobility impairment, intellectual disability, and significant psychiatric disorders.

S. **Undue Hardship:** a special or specified circumstance that partially or fully exempt a person or organization from performance of a legal obligation so as to avoid an unreasonable or disproportionate burden or obstacle.

## **Initiating the Reasonable Accommodation Process**

### **Who Can Submit a Request for Reasonable Accommodation?**

- An employee or an applicant for employment.
- A family member, friend, health professional, or other representative may request RA on behalf of an individual with a disability.

### **Identify the Request for Reasonable Accommodation**

- For tracking purposes, the Reasonable Accommodations Coordinator requires a request from either the RA requestor or the supervisor. This form can be provided in alternative formats if requested, however, the manager/supervisor cannot ignore an initial oral request. Management must engage in an informal interactive process to clarify what the employee specifically needs and identify the appropriate RA. *Appendix A* provides resources available to employers to help identify appropriate accommodations. (Attachment 1)

- A request can be made in “plain English”. The Americans with Disabilities Act, Rehabilitation Act, or the phrase “reasonable accommodation” does not have to be mentioned in order for a request to be considered a request for RA.
- Once the RA request is communicated to/with the Supervisor, the Supervisor must submit the RA request to the RA Coordinator within two (2) business days, the RA Coordinator starts the process.
- Supervisor/manager and RA Coordinator will hold interactive discussions with the employee immediately and throughout the entire process as needed to assist in making the determination whether the employee is a qualified individual with a disability and will determine if medical documentation is necessary.
- An employee who requires a RA on a repeated basis (e.g., a sign language interpreter) does not need to submit a new written request each time an accommodation is required.
- The RA request must include a statement for an adjustment or change at work to a reason related to a medical condition.
  - EXAMPLE 1. “I’m having trouble getting to work at my scheduled starting time because of medical treatments I’m undergoing.”
- **Do not disclose** that an employee is receiving RA because it usually amounts to a disclosure that the individual has a disability.

### **Requesting a Reasonable Accommodation**

A request for reasonable accommodation is a statement that an individual needs an adjustment or change in the application process, at work, or in a benefit or privilege of employment for a reason related to a disability.

A person may initiate any request for reasonable accommodation **orally or in writing at any time.** *Doing so initiates the interactive process.* The requester does not need to:

- Fill out any specific form in order to initiate the interactive process;
- Have a particular accommodation in mind before making his or her request;
- Use any special terms like “reasonable accommodation” or “disability” when making his or her request.

In light of the above guidance, NG managers or supervisors and other employees should recognize that a person might not always state a request for reasonable accommodation plainly.



A request is any communication in which an individual asks or states a need for the NGRCs to provide or to change something because of a medical condition. A person does not have to specify a particular accommodation although it is helpful if he or she can suggest one. It is sufficient for the individual requesting accommodation to state that some sort of change or assistance is required. A manager or supervisor should know that a request for a reasonable accommodation could be a statement in “plain English” that an individual needs an adjustment or change in the application process or at work for a reason related to a medical condition.

If an employee or applicant raises any of the following points, he or she is likely requesting a reasonable accommodation:

- The person is talking about some type of medical condition that is impacting his or her work;
- The person mentions some sort of physical/intellectual/psychiatric challenge that is impacting his or her work;
- The person requests an adjustment or change to the workplace;
- The person openly discloses a disability or medical condition;
- The person states that he or she needs assistance performing a job function.

Whenever a supervisor or other employee is uncertain as to whether a person seeks reasonable accommodation, he or she shall ask that person for clarification.

A requester does not need to have previously disclosed the existence of a disability prior to requesting a reasonable accommodation.

An **Applicant** may request a reasonable accommodation from any Human Resources Specialist or RA Coordinator, the selecting official, or any NGRC satellite RA Coordinator connected with the staffing application process. In cases when an applicant does not make a request to a Human Resources Specialist, the selecting official or NGRC RA Coordinator must forward the request to the Office of Human Resources as soon as possible, but in any event, **no later than two business days after receiving the request.**

An **Employee** may request a reasonable accommodation from one of the following officials:

- His or her immediate supervisor, as well as any another supervisor or manager in the employee’s chain of command; or
- The Director or Deputy Director of the Office of Human Resources, or a designated Human Resources Specialist; NGRC RA Coordinator or NGB-EI Disability Program Manager/Coordinator.

In cases when an employee does not make a request to the ultimate decision maker, the official who receives the request will forward it to the appropriate decision maker as soon as possible, but in any event, **no later than two business days after receiving the request.**

A family member, healthcare professional, or other representative may request a reasonable accommodation on behalf of a National Guard (Army or Air) applicant or employee. Under such circumstances, the requester should submit the request to the same persons to whom the employee or applicant would make the request.

Any National Guard (Department of the Army Department of the Air Force) applicant or employee may consult with the Director or Deputy Director of the Office of Human Resources, or a designated Human Resources Specialist; NGB-EI Disability Program Manager/Coordinator for further information or assistance in connection with requesting or processing a request for reasonable accommodation.

### **NGRCs and Satellite Office Personnel Responsible for Handling Requests**

Each organizational element shall designate those officials delegated principal responsibility for identifying possible accommodations and for determining whether an accommodation will be provided. The Decision-maker may differ depending on whether the request is initiated by an employee or an applicant, or the type of accommodation being requested. As explained above, the NGRC staff member who receives a request for reasonable accommodation must forward such request to the appropriate decision maker as soon as possible, but in any event, **no later than two business days after receipt.** For example, the Decision-maker could be as follows:

- the organizational element Human Resource Specialist responsible for the recruitment and/or selection process if the request for accommodation is from an applicant;
- the organizational element Disability Program Manager if the accommodation requested is for adaptive equipment, a reader or sign language interpreter, removal of an architectural barrier, accessible parking, or materials in alternative formats;
- the head of the office or his/her designee where the accommodation requested involves personnel actions; or
- if the requests are from an employee, the Decision-maker might be the employee's immediate supervisor or the head of the office.

All decision makers must designate reserve officials who can continue receiving, processing, and providing reasonable accommodations when the decision maker is not available.

To ensure that NGRCs handle reasonable accommodation requests consistently and fairly throughout the organization, the decision maker shall inform, and consult with, the Office of Human Resources and Facilities management when deemed necessary as to all such requests prior to making a final decision.

## **Responsibilities**

### **NGB Equity and Inclusion (NGB-EI) Office shall:**

- Communicate and implement NGRC's policy for the processing of reasonable accommodation requests.
- Allocate sufficient personnel to staff the reasonable accommodation function within NGRCs.
- Ensure that officials responsible for processing reasonable accommodation requests are trained on program requirements, to include relevant legal principles/precedent.
- Ensure that all reasonable accommodation requests are processed within the applicable timeframe.

### **Reasonable Accommodations Coordinator: (NGB-EI DPM)**

- Manage and assist in coordinating all reasonable accommodation requests.
- Ensure that all reasonable accommodation requests are processed in accordance with applicable references.
- Collaborate with supervisor(s) during the on-going, informal interactive discussion(s) with the individual seeking an accommodation.
- Involve appropriate personnel who provide recommendations to the person responsible for making the decision on a request for reasonable accommodation.
- Update the appropriate tracking and monitoring system for reasonable accommodation requests.
- Maintain all reasonable accommodation case files in a secure manner.
- Ensure the confidentiality of medical information. Access to this information is limited to a need to know.

### **Managers and Supervisors shall:**

- Immediately contact the RA Coordinator upon knowledge of or receipt for request for a reasonable accommodation, **within two (2) business days**.
- Process all reasonable accommodation requests in accordance with the procedures outlined in this guide.
- Maintain an open line of communication with the employee seeking an accommodation and engage in on-going, informal discussion(s) with the employee during the reasonable accommodation process.
- Management Official will determine the approval or denial of an RA

### **An Employee and/or Applicants for employment shall:**

- Employees will immediately notify their first-level supervisor or the RA Coordinator when it is determined that some form of reasonable accommodation is required in order to perform the essential functions(s) of their position of record.
- Request a RA/PAS during the application process.

- Request a RA when she/he knows that there is a workplace barrier that is preventing her/him, due to a disability, from effectively competing for a position, performing a job, or gaining equal access to a benefit of employment.
- Actively participate in the interactive discussion portion of the reasonable accommodation process.
- Provide all documentation, to include medical documentation, if requested, as part of the reasonable accommodation process.

### **Joint Human Capital Management (JHCM) shall:**

- JHCM will be the first line of effort in providing Applicants for Employment with disabilities the support required.
- Participation in the application process; RA or PAS must be provided to a qualified applicant with a disability in order to have an equal opportunity to participate during the application process.
- Hiring process; Inform all applicants for employment what the hiring process involves, e.g., interview, timed written test, or job demonstration; ask all applicants whether they will need a RA for this process; and explain the RA procedures.

### **Confirming Documentation**

Although an **employee** may initiate a reasonable accommodation request orally, for record keeping purposes, and upon receiving any request **other than one for assistive technology and/or services**, the decision maker should ask the employee (or someone acting on the employee's behalf) to complete the *Confirmation of Request for Reasonable Accommodation or Personal Assistance Services* Form (Attachment 1). Should the employee fail to complete this form, the employee's immediate supervisor or the decision maker shall complete it on the employee's behalf and seek the employee's consent before adding the form to the employee's personnel file.

For any request in which the employee **requests assistive technology and/or services**, the decision maker should request that the employee complete a *CAP Accommodation Request* online at [www.cap.mil](http://www.cap.mil) or complete the form on the employee's behalf.

NGRC's RA Coordinator will begin processing a request for reasonable accommodation as soon as it is communicated, whether or not the employee provides written confirmation as described in this section.

## Processing Reasonable Accommodation Request

1. Once an applicant or employee (or a person acting on their behalf) makes a request for reasonable accommodation, the requester and decision maker will begin the interactive process to determine whether and to what extent the NGRC or satellite office will provide reasonable accommodation.

The decision maker will:

- Explain to the requester that he or she (i.e., the decision maker) will determine whether or not the NGRC or satellite office will provide reasonable accommodation; and
- Describe the decision making process to the requester.

2. When a third party makes a request for accommodation on an individual's behalf, the decision maker should, if possible, confirm with the applicant or employee that he or she, in fact, wants a reasonable accommodation before proceeding further with the interactive process.

3. Management must communicate with the requester early in the interactive process and periodically throughout the process regarding his or her request to ensure the complete exchange of relevant information. To track the processing of his or her request, the requester may at reasonable intervals, ask that the decision maker describe the status of his or her request.

4. Ongoing communication is particularly important where the specific limitation, barrier, or problem is unclear; when an effective accommodation is not obvious; or when the parties are considering different possible reasonable accommodations.

5. As noted above, a supervisor should know that a request for a reasonable accommodation could be a statement in "plain English" that an individual needs an adjustment or change in the application process or at work for a reason related to a medical condition. The request does not have to include the terms "ADA" or "reasonable accommodation," and the request does not have to be in writing, although the supervisor may ask for something in writing to document the request. A family member, friend, health professional, rehabilitation counselor, or other representative also may request a reasonable accommodation on behalf of an NGB employee with a disability.

6. The management or decision maker must take a proactive approach in searching out and considering possible accommodations. To that end, and as explained above, the decision maker shall consult with the Office of Human Resources with respect to all requests for reasonable accommodation. The decision maker may consult with other appropriate offices and resources as necessary, including the Office of the General Counsel, the Office of Information Resources Management, the Administrative Services Office (including via submission of necessary requisitions), and, in the case of assistive technology, devices, and services, the Department of Defense's Computer/Electronic Accommodations Program ("CAP"). The requester should also participate, to the extent possible, in identifying an effective reasonable accommodation.

## Coordination of Efforts

- When the RA Coordinator or Management official is made aware of the need for RA, coordination between the RA Coordinator and Management will take place within two (2) business days. The initial email will include Attachments 1, 2, and 3.
- Requests for RA that will require funding by NGRCs will be analyzed and processed by the RA Coordinator and when necessary Medical and Legal personnel. The employee's responsible management official will make final approval or denial.
- If the employee deviates from the RA process and contacts the RA Coordinator prior to an interactive discussion with their supervisor, the RA Coordinator will contact the supervisor of the individual immediately upon receipt of request; the supervisor is best able to identify and define the essential functions of a position.
- Supervisor/Manager will engage in the interactive process with the requesting employee. At times, when an accommodation can be made without obligation of funding, supervisor/manager may approve a request for RA. Supervisor/manager will complete **Attachments 1 and 5**, and forward them to RA Coordinator within two (2) business days of approval for tracking and oversight.
- Special circumstances may influence the timing of the RA process. The expedited processing of a RA request may be appropriate in the following situations:
  - The RA is needed to enable a person to apply for a job; or
  - The RA is needed for a specific activity that is scheduled to occur shortly.
- ***The organization has thirty (30) business days to process a request.*** If unable to process the request in 30 business days, the RA Coordinator will notify the supervisor who must document and communicate in writing to the requestor reason for the delay. This time period does not include waiting to receive information from the requestor/healthcare provider or the time it takes to receive adaptive equipment.

## **ASSESSING THE DISABILITY CLAIM**

### **Determine if the employee has a disability.**

- An individual meets the Americans with Disabilities Act definition of "disability" that would qualify them for reasonable accommodations if they have "a physical or mental impairment that substantially limits one or more major life activities (sometimes referred to in the regulations as an "actual disability")." If a disability is not obvious to an employer, they can ask for medical documentation from a health care provider to confirm the need for an accommodation. (Attachment 2) All supporting medical documentation must be in English.

- Does the employee have a physical or mental impairment that substantially limits one or more of his/her major life activities?
  - Physical Impairment. Any physiological condition or disorder, cosmetic disfigurement, anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine.
  - Mental Impairment. Any mental or psychological disorder such as, intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
  - Major Life Activity. Illustrative, non-exhaustive list of major life activities include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, speaking, standing, lifting, bending, communicating, thinking, learning, breathing, sitting, reaching, interacting with others, reading, concentrating, working. Major life activities also include the operation of major bodily functions, such as functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, respiratory, circulatory and cardiovascular functions.
- Exceptions. If an employee is currently using illegal drugs, to include illegal usage of legal drugs such as prescription medications, the employee does not meet the definition of an employee with a disability.

**Determine if the Individual is a Qualified Individual with a Disability.**

- A “qualified individual with a disability” is an individual who, with or without an accommodation can:
  - Perform the essential functions of the position in question.
  - Meet the prerequisite skill, experience, education and other job-related requirements of the position in question.
  - Meet the criteria for appointment under one of the special appointing authorities for individuals with disabilities.

**Management and JHCM will:**

- Determine if employee can perform essential functions of the positions.
- To be qualified for a position, an applicant or employee must be able to perform essential job functions. Essential functions are job duties that are fundamental to the position, they are the reason the job exists. Some of the factors for determining essential functions of a job include:

- Whether the position exists specifically to perform these essential functions.
- The number of other employees who are available to perform the same job duties.
- The expertise or skills required to perform the essential functions.
- Can the employee perform the essential functions of the position, with or without an accommodation?
- The essential functions of a job are not the marginal or infrequently performed tasks that could be eliminated without altering the fundamental nature of the job.
- In some cases, an accommodation may involve restructuring a job or altering the nonessential requirements of a particular position. Job restructuring includes modifications such as:
  - Reallocating or redistributing marginal job functions that an employee is unable to perform because of a disability; and
  - Altering when and/or how a function, essential or marginal, is performed.

**NOTE:** Remember that the goal of RA is to enable qualified individuals with disabilities to perform the essential functions of their position and to enjoy equal employment opportunities, unless doing so would impose an undue hardship on the operation of its programs and/or poses a direct threat to the employee or others. At times, a Position Description does not capture all of the essential functions of job. If necessary, a Documentation of Essential Functions form will need to be completed by the Supervisor and the employee's physician (Attachment 3).

**FMLA Coordinator will:**

- Manage all documentation for Medical requests.
- Medical documentation may be required to assist in determining whether a person is a qualified person with a disability. If appropriate and with the employee's consent, an examination by a medical specialist of the NGRCs choosing and expense may be required.

**Confidentiality Requirements Regarding Medical Information.**

- Under the Rehabilitation Act, medical information obtained in connection with the RA process must be kept confidential. All medical information obtained in connection with a request must be kept in a secure location in locked files separate from the employee's official personnel file. Any employee who obtains or receives such information is strictly bound by confidentiality requirements and may disclose this information only as follows:



- Management officials who need to know (including the decision maker who requested the medical information be obtained) may be told about necessary restrictions of the work or duties of the employee and about the accommodations necessary for the employee to perform her/his duties. However, information about the employee's general medical history should only be disclosed if strictly necessary.
- Worker's compensation offices or insurance carriers and EEO staff.
- First aid and safety personnel may be informed, when appropriate, if the employee might require emergency attention or treatment because of the disability.
- Information may be given to government official or contractors assigned to investigate agency compliance with the Rehabilitation Act.

### **Time Limits for Assessment:**

It is the NGB's goal to provide reasonable accommodations as quickly as possible to remove the workplace barriers for an employee or applicant. Full and open communication between the employee, the decision-maker, and the reasonable accommodation team (NGRCs/JHCM) is a critical component of the accommodation process, and helps to ensure that there is a full exchange of relevant information so the Organization can make appropriate decisions.

NGRC's and satellite offices will process requests for reasonable accommodation and provide reasonable accommodation, where appropriate, in as short a timeframe as is reasonably possible, absent extenuating circumstances. The precise time necessary to process a request will depend on the nature of the accommodation requested and whether the RA Coordinator must obtain supporting information.

***Normal processing:*** The NGRC's and satellite offices will process requests for reasonable accommodations and provide accommodations, when appropriate, as soon as reasonably possible.

*a.* The process begins when an applicant or employee makes an oral or written request for reasonable accommodation and not necessarily when the decision maker receives the written confirmation of the request. All parties, however, should recognize that the time necessary to process a request would depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information and medical documentation.

Supervisors/decisionmakers should have backups designated to continue receiving and processing requests and providing reasonable accommodations when the supervisors/decision makers are unavailable. Decision makers should ensure that the individuals know who has been designated as backup.

b. A supervisor or decision maker receiving a request for reasonable accommodation may be able to grant the request immediately. Absent extenuating circumstances, the requested accommodation should be provided or denied within 30 business days from the date the decision maker receives the initial request. NGRC and satellite offices will not be expected to adhere to its usual timelines if an individual's health professional fails to provide needed documentation in a timely manner.

c. When a delay occurs in processing a request for or providing a reasonable accommodation, the decision maker must notify the requester of the reason for the delay. Upon becoming aware of the need for a delay, the decision maker must contact the DPM to determine whether a provisional accommodation can be provided. A decision maker could consider a temporary job restructuring or the use of equipment that might permit the individual to perform some of the functions of the job. When all the facts and circumstances known to the agency make it reasonably likely that an individual will be entitled to a reasonable accommodation, but the accommodation cannot be provided immediately, the agency shall provide an *interim accommodation* that allows the individual to perform some or all of the essential functions of his or her job, if it is possible to do so without imposing undue hardship on the agency

d. The processing of reasonable accommodation requests may be expedited in appropriate cases. Expedited processing might be necessary where, the reasonable accommodation is needed to enable an individual to apply for a job, or the reasonable accommodation is needed for a specific activity that is scheduled to occur shortly.

Examples of reasonable accommodation that the NGRC or satellite office in collaboration with the RA Coordinator can easily provide within the 30 business-day timeframe include:

- Providing a diabetic employee whose workstation is in an open area with four breaks a day to test his or her blood sugar levels in private.
- Providing an employee with a learning disability with staff meeting agendas in sufficient time for him or her to adequately prepare for the meeting.

Where the NGRC's and satellite offices can provide a particular reasonable accommodation in less than 15 business days, failure to provide such accommodation in a prompt manner may result in a violation of the Rehabilitation Act.

e. "Extenuating circumstances" are situations that could not reasonably have been anticipated or avoided in advance of the request for accommodation, or that are beyond the requester's or decision maker'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 in which they are reasonably necessary and only for as long as required to deal with the extenuating circumstance.

The following are examples of extenuating circumstances:

- Where it will take the NGRCs or satellite offices longer than 30 business days to acquire necessary equipment or furniture due to the Federal Acquisition Regulations or CAP requirements.
- Where a vendor is not able to provide necessary equipment or furniture within 30 business days and no alternate vendor is available.
- Where an individual with a disability requires a trial period to test equipment or furniture to ensure its effectiveness.

- Where the reasonable accommodation requires the removal of architectural barriers.

When extenuating circumstances are present, the decision maker must notify the requester as soon as possible of the reason for any delay and the approximate date by which he or she may expect a decision regarding their request.

### **Medical Information:**

*a.* When the disability and/or need for accommodation is not obvious, the employee or applicant seeking accommodation may be asked to provide appropriate medical information related to the functional impairment and/or limitations at issue and the requested accommodation. Supplemental documentation may be requested when the information already submitted is insufficient to document the disability and/or the functional limitations. The decision maker should consider providing an interim accommodation until medical documentation is received and a final decision is made on a reasonable accommodation. Failure to provide necessary documentation when it has been properly requested could result in a denial of reasonable accommodations.

*b.* Medical documentation contains PII and is sensitive information about an individual's medical condition, and must be handled in a confidential manner. The decision maker must seek the assistance of the DPM before obtaining any medical documentation. The DPM, in coordination with the servicing labor counselor/agency attorney (as needed), will assist in obtaining appropriate medical documentation.

*c.* Medical information will be requested only to the extent reasonably necessary to establish that the requester is an individual with a disability and/or needs the requested accommodation and provide information on the nature, severity, and expected duration of the impairment (for example, functional limitations, symptoms, side effects of any treatments, and so forth); the activity or activities the impairment limits; the extent to which the impairment limits the individual's ability to perform the activity or activities; and/or why the individual requires the particular accommodation requested and how the accommodation will assist the individual to apply for a job, perform the essential functions of the job, or have the benefits of the workplace.

*d.* Based on the medical documentation provided, the decision maker may elect to approve the request for reasonable accommodation. On a case-by case basis, the decision maker may submit medical documentation to the occupational medicine physician or other medical expert for assistance in assessing functional abilities regarding that individual's ability to perform a job, in order to help the decision maker choose an effective reasonable accommodation. The information should inform the medical authority of the nature of the job, the essential functions the individual will be expected to perform, and any other information relevant to evaluating the request.

*e.* The medical authority may request supplemental medical documentation when the submitted information is insufficient to document the existence of a disability and the need for reasonable accommodation.

*f.* If the supplemental medical documentation does not result in sufficient information, the organization may require the employee requesting the accommodation to be examined by a health care professional of the organization's choice at the activity's expense.

### **Points to Remember:**

- To determine whether the individual has a disability, an individualized assessment must be made by medical professionals.
- Decisions cannot be made based upon personal knowledge of, or experience with, a particular condition or generalizations based upon stereotypes or myths.
- Decisions made about RA, are very fact-specific and individualized. There is one condition that does not necessitate this individualized assessment, AIDS or HIV positive. This condition is considered disabling even if there are no symptoms.
- Once all relevant information has been obtained from the employee, the RA Coordinator must conduct an analysis to determine whether the employee meets the definition of a qualified individual with a disability and communicate the findings with management.
- The analysis and the management decision must be documented in writing by the RA Coordinator and filed for the record in the case file.

## **DECISION TO GRANT ACCOMMODATE or DENY an ACCOMMODATE**

### **Decisions to Grant an Accommodation.**

- If the RA Coordinator determines that providing an accommodation is the appropriate course of action, all reasonable alternatives to accommodate the individual in their current position will be explored, e.g., assistive software/devices, modified furniture, location of desk, job restructuring, telework, etc. The employee will be notified in writing,
- Hold an interactive discussion with the employee – they can advise the supervisor what she/he thinks is needed to enable them to perform the job.

- Consult with other management officials, facilities, safety and/or medical personnel, to determine whether the employee's proposed accommodation is feasible and/or whether the accommodation can be made.
- An employer must respond expeditiously (within 30 business days) to a request as a lack of action amounts to a denial.
- The deciding official for RA is the employee's Management Official or JHCM for applicants.

### **Reasonable Accommodation Options.**

- Personal Items. The NGRCs are not required to provide personal use items, i.e., glasses, hearing aids, wheelchairs.
- Select the accommodation that is the most appropriate for both management and the individual. It does not need to be the best or most expensive, or even the one preferred by the employee. As long as the accommodation is reasonable and enables the employee to perform the essential functions of their position, it is acceptable.

### **Reassignment Process:**

- Reassignment is the accommodation of last resort and is available only to employees, not applicants. Supervisors/decision makers will consider a reassignment only if no reasonable accommodations are available to enable the individual to perform the essential functions of his/her current position, or if the only effective accommodation would cause undue hardship. Reassignment may be made only to a vacant position. The organization will not create new positions or displace employees from their jobs.
- The vacant position is considered available as long as a selection to fill the position has not been made and no DOD Priority Placement Program matches are pending. An employee is qualified for the identified reassignment if he/she satisfies the requisite skill, experience, education, and other job-related requirements of the position and can perform the essential functions of the position with or without reasonable accommodation. If the employee is qualified for the position, he/she should be reassigned to it as a reasonable accommodation and not have to compete for the position. If a reassignment is under consideration, the decision maker must consult with the servicing CPAC and Staff Judge Advocate. The servicing CPAC will conduct a vacancy search based on the employee's expressed preference and qualifications. The decision maker should explain to the employee why he/she cannot be accommodated in the current

position and that a reassignment is under consideration.

- The decision maker should determine the employee's preferences with respect to the reassignment, such as whether the employee is willing to be reassigned outside the facility or outside the commuting area, including outside the geographical area and, if so, to what locations; be reassigned to a different type of position he/she may be qualified for and, if so, to what type(s); be reassigned to a different subcomponent of the department and, if so, to which one(s); and be reassigned to a lower grade or pay band position if no position is available at the current grade or pay band and, if so, down to what grade or pay band.
- The reassignment should not create an adverse personnel action or adversely affect the employee's career.
- If an employee is reassigned outside the local commuting area or to a different geographical area, the employee must pay any relocation expenses unless the activity routinely pays such expenses when granting voluntary transfers to other employees.

### **Denials of Reasonable Accommodations:**

*a.* Decision makers must inform the DPM and Staff Judge Advocate before denying a request for accommodation or the particular accommodation requested. The decision maker must provide documentation that demonstrates the effort made to explore, with the requester, other options for accommodation. The organization must obtain legal reviews for all proposed denials of a reasonable accommodation or the particular accommodation requested before informing the requester of the denial.

*b.* When the decision maker denies an individual's request for an accommodation, he/she must notify the requester of the denial in writing or other forms as requested. The notification must be in plain language and state the specific reason(s) for the denial (for example: why the medical documentation is inadequate to establish that the individual has a disability or needs reasonable accommodation, why the requested accommodation would be ineffective, the reasons the decision maker believes the offered accommodation would be effective, or why the requested accommodation would pose an undue hardship). The written denial must identify the supervisor/manager and the office that made the decision and provide information about the individual's right to file an EEO Complaint; the right to file an appeal with MSPB; the right to file a Union Grievance and invoke other applicable statutory or regulatory processes, including the availability of the informal Alternative Dispute Resolution (ADR) process. This form will be available in an accessible format when requested.

*c.* Voluntary use of Alternative Dispute Resolution (ADR) is highly encouraged as an informal dispute resolution process. Individuals may use this avenue to obtain prompt reconsideration of the denied request for reasonable accommodation. For information on how to initiate the ADR process, Army and Air National Guard civilian employees may contact the ADR point of contact through the office of NGB/EI/CMD at (571) 296-4723.

*d.* The decision maker must complete the memorandum for the record documenting the denial of accommodation request and submit it to the staff judge advocate along with a copy of the written notification of denial.

*e.* In determining whether a proposed reasonable accommodation poses an undue hardship, the decision maker, in consultation with the DPM and the labor counselor/agency attorney, must consider the overall resources and options available to the NGBRCs, not just the budget or resources of an individual segment, subcomponent, or division within the NG. The satellite field offices will ensure individuals with disabilities are not excluded from employment due to the anticipated cost of a reasonable accommodation if resources available to the organization as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodation, would enable it to provide an effective reasonable accommodation without undue hardship.

### **Information Tracking System(s):**

*a.* The local EEO office will establish a system of recordkeeping to track the processing of requests for reasonable accommodation. The decision maker who processed the accommodation request must complete and submit information to the DPM. A Sample format is available in this appendix.

*b.* Records that contain medical information about a particular individual with a disability are subject to the confidentiality restrictions and the organization's recordkeeping systems must ensure there are safeguards to ensure that those restrictions are adhered to.

*c.* At a minimum, the records related to an employee who requested a reasonable accommodation should be maintained for the duration of the employee's tenure to ensure that the employee is not asked to provide medical information previously submitted. After the employee's tenure, these records will be maintained in accordance with the NG's records retention policies.

*d.* The EEO office will retain information or any cumulative records used to track the activity's performance with regard to reasonable accommodation for at least 5 years. Tracking performance over a 5-year period is critical to enable the activity to assess whether it has adequately processed and provided reasonable accommodations. Records may be used to determine whether it is complying with nondiscrimination and affirmative action requirements imposed under Section 501 and to make such records available to the Equal Employment Opportunity Commission upon their request.

*e.* Information is summarized in the annual MD 715 Report to the EEOC through the State/Territory channels. On an annual basis, the "States" will report the following information as part of the reporting process:

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

- (2) The specific reasonable accommodation requested, if any;
- (3) The job (occupational series, grade level, and agency component) sought by the requesting Applicant or held by the requesting employee;
- (4) Whether the accommodation was needed to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of employment;
- (5) Whether the request was granted (which may include an accommodation different from the one requested) or denied;
- (6) The amount of time taken to process each request for reasonable accommodation.
- (7) The sources of technical assistance that was consulted in trying to identify possible reasonable accommodations.
- (8) Relevant information will be examined during NGB-EI's EEO Program reviews. NGB-EI's review will evaluate the activity's performance in responding to requests for Reasonable Accommodation. Reviews will include:
- (9) The length of time it takes the satellite field office to respond to requests for different types of reasonable accommodations.
- (10) Whether the satellite field office has been unable to provide any particular types of reasonable accommodations.
- (11) Whether any satellite field offices consistently are not granting reasonable accommodations, and the various reasons for a denied request for reasonable accommodation.
- (12) The identity of the deciding official.

### **Personal Assistance Services (PAS)**

The process for requesting PAS, the process for determining whether PAS are required (including whether the individual has a targeted disability), and Disability Program Manager's right to deny a request for PAS when providing PAS would pose an undue hardship, are the same as those for requests for reasonable accommodation provided in this directive. These requests along with any cost associated with them are to be included on the Tracking System(s).

NGRC's and satellite offices will not provide PAS outside of the scope of working hours.



## APPENDIX

### **Reasonable Accommodation Points of Contact:**

#### **NGB Office of Joint Human Capital Management**

**Katherine (Katie) Hauserman**

**National Guard Bureau - Human Resources (NGB-HR)**

**Civilian Management**

**Phone: (703) 607-9934**

**DSN: 327-9934**

**Email: [Katherine.s.hauserman.civ@mail.mil](mailto:Katherine.s.hauserman.civ@mail.mil)**

*POC for Worker's Compensation and Insurance matters*

#### **ANG Office of Human Resources**

**Ms. Tristin Pilat**

**NGB-HRC, HR Specialist**

**Telework: 810-347-4409**

**[Tristin.pilat@us.af.mil](mailto:Tristin.pilat@us.af.mil)**

#### **NGB-Equity and Inclusion Office**

**Ms. Ijigale Beltran**

**Disability Program Manager**

**Phone: (720) 341-5558**

**DSN: 612-9694**

**Email: [Ijigale.beltran@us.af.mil](mailto:Ijigale.beltran@us.af.mil)**

#### **NGB-Equity and Inclusion Office**

**Ms. Jacqueline Ray-Morris**

**Special Emphasis Program Manager, DPM**

**Phone: (703) 607-1710**

**DSN: 327-1710**

**Email: [Jacqueline.ray-morris.civ@mail.mil](mailto:Jacqueline.ray-morris.civ@mail.mil)**

**NGB-EI Affirmative Employment Branch (AEP) Mailbox: [ng.ncr.ngb-arng.mbx.eeo-aep](mailto:ng.ncr.ngb-arng.mbx.eeo-aep)**

## **Additional Information Regarding Reasonable Accommodation**

**The Architectural Barriers Act (ABA)** requires that buildings or facilities designed, constructed (including additions), altered, leased, or financed by the United States after August 12, 1968 be accessible to individuals with disabilities. For more information, check out the ABA website <https://www.access-board.gov>

### **ADA Disability and Business Technical Assistance Centers (DBTACs)**

Mid-Atlantic Center: (301) 217-0124 (Voice/TTY) <https://adata.org/>

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 make referrals to local sources of expertise in reasonable accommodations.

### **Department of Defense Computer/Electronic Accommodations Program (CAP)**

(703) 614-8416 (Voice); (571) 384-5629 (Videophone)

<http://www.cap.mil/>

NGB has entered into an Interagency Agreement with the Department of Defense Computer/Electronic Accommodations Program (“CAP”), which provides assistive technology, devices, and services to people with hearing, visual, dexterity, cognitive/learning or communication disabilities. NGB employees are therefore eligible for CAP services. The Office of Equity and Inclusion in collaboration with Human Resources will annually review this directive to ensure it remains consistent with the CAP agreement.

### **Job Accommodation Network (JAN)**

(800) 526-7234 (Voice); (877) 781-9403 (TTY)

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

Jan is one of several services provided by the U.S. Department of Labor’s Office of Disability Employment Policy. JAN consultants provide information, free-of-charge, about many types of reasonable accommodations and other disability-related issues.

### **RESNA Technical Assistance Project**

(703) 524-6686 (Voice); (703) 524-6639 (TTY)

<http://www.resna.org/>

The Rehabilitation Engineering and Assistive Technology Society of North America (RESNA) offers certification, continuing education, and professional development guidance regarding the knowledge and practice of rehabilitation and assistive technology.

**Registry of Interpreters for the Deaf**

(703) 838-0030 (Voice); (571) 257-3957 (Videophone)

<http://www.rid.org/>

The Registry of Interpreters for the Deaf offers information on locating and using interpreters and transliteration services.

**U.S. Equal Employment Opportunity Commission (EEOC)**

(800) 669-4000 (Voice); (800) 669-6820 (TTY)

<http://www.eeoc.gov/>

The EEOC's Publication Center (<https://www.eeoc.gov/eeoc/publications/index.cfm>) provides numerous guidance and technical assistance documents on disability discrimination and the ADA, including with respect to federal sector employment specifically.

## **ATTACHMENTS**

(NGB-EI will endeavor to revise any form identified below, if possible and as necessary, to accommodate an individual with disabilities.)

Attachment 1: Request for Reasonable Accommodation or Personal Assistance Services Form

Attachment 2: Physicians Medical Assessment Form

Attachment 3: Documentation of Essential Functions Form

Attachment 4: Denial of Reasonable Accommodation Request Form

Attachment 5: Reasonable Accommodation Information Report

**Attachment 1**

**Reasonable Accommodation Request**

**Date of Request:**

**Employee Name:**

**Employee Email:**

**Job Title/Pay Grade:**

**Position Description (#15 on SF-50):**

**Phone Number:**

**Cubicle Number:**

**Supervisor Name:**

**Supervisor Email:**

**Please provide the following information. Use additional pages or provide documentation as needed.  
\*NGB will provide the form in alternative formats if requested.**

1. Identify your disability or physical or mental impairment(s) or limitation(s) (“Disability”):
  
2. Explain how your Disability impairs or limits your ability to perform assigned job duties:
  
3. Expected duration of the Disability:
  
4. What specific accommodation(s) are you requesting, if known?
  
5. If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore? If yes, please explain or attach information.
  
6. Has a health care professional recommended a specific accommodation? Please describe or attach documentation:
  
7. Is your accommodation request time sensitive? If yes, please explain.
  
8. If you are requesting a specific accommodation(s), how will that accommodation(s) assist you to perform your job?

9. Have you had any accommodations in the past for this same limitation? If yes, what were they and how did the accommodation(s) help you perform your job?

10. Please provide any additional information that might be useful in processing your accommodation request. We will set up a time to meet to discuss your request.

Employee Signature and Date:

Supervisor Received RA Request Signature/Date:

Log Number (Assigned by RA Coordinator):

***Please return this form to the RA Coordinator or e-mail to:***

***[ljigale.beltran@us.af.mil](mailto:ljigale.beltran@us.af.mil) or [Jacqueline.ray-morris.civ@mail.mil](mailto:Jacqueline.ray-morris.civ@mail.mil)***

**Attachment 2**

**Reasonable Accommodation Request  
Physicians Medical Assessment Form**

**DATE:**

**Employee Name:**

**Employee DOB:**

**COMPLETED FORM MUST BE RETURNED TO EMPLOYER WITHIN 15 DAYS OF THE DATE OF THIS PACKET.**

The above employee has requested a workplace accommodation, to enable the employee to perform the essential functions of his/her position, either because of a disability as either defined under the Americans with Disabilities Act (ADA ), as amended, or state law, or because the employee is pregnant and seeks an accommodation under the applicable state pregnancy accommodation law. The information requested on this form will assist us in making a determination regarding the employee’s request.

INSTRUCTIONS: The following form must be completed in detail and signed by the employee’s attending medical provider. Please attach additional pages or records as needed. Do not provide information not related to the employee’s ability to perform his/her job duties. Example: Do not identify an impairment if it does not have an impact on employee’s ability to perform his/her job duties. **IMPORTANT NOTICE**

**REGARDING GINA**

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of employees or their family members. In order to comply with this law, Reed Group is asking that you not provide any genetic information when responding to this request for medical information. “Genetic information,” as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

**1.** Please confirm you have examined the employee and are familiar with the employee’s medical history.  
(Circle) **Yes No**

**2.** Is the employee released to return to work full time, full duty without the need for restrictions, limitations, or accommodations? (Circle) **Yes No**

If yes, please state the employee’s full, unrestricted return to work date:

IF NO, PLEASE COMPLETE THE REMAINDER OF THIS FORM.

3. When can the employee return to work with restrictions or an accommodation? [Additional questions regarding restrictions or accommodations below.] \_\_\_\_\_

4. Existence of impairment.

a. Does the employee have a physical or mental impairment(s)? (Circle) **Yes** **No**

b. Is the impairment open and obvious? (Circle) **Yes** **No**

If the employee's impairment is open and obvious, do not answer questions 5-8; rather skip to question 9 and proceed from there.

5. Please list impairment(s), diagnosis and prognosis

**Note: A physical or mental impairment under the ADA is:**

Any physiological disorder, condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or

Any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

The disorder or condition is considered:

In its active state, even if presently in remission. (Examples: epilepsy, MS, asthma, cancer, bipolar disorder.)

Without regard to the effects of mitigating measures such as prostheses, medication, etc., except ordinary eyeglasses.

With consideration of the negative effects of treatment such as medication or other measures.

\*The definition of a disability may differ slightly under state law.

6. Limitations on major life activities. If the answer to #4(a), is yes, does the employee's impairment substantially limit one or more major life activities? (Circle) **Yes** **No**

Note: Whether an impairment substantially limits the ability of an individual to perform a major life activity is determined:

As compared to most people in the general population; and

Does not need to prevent, or significantly or severely restrict, the individual from performing a major life activity – the impairment only needs to “substantially limit” the employee's ability to perform the major life activity.

7. Limitations on major life activities (cont.). If the answer to #6 is yes, which major life activity(s) is/are affected?

**Check all major life activities that both (a) are affected by the employee's impairment(s) and (b) restrict or limit the employee's ability to perform the employee's job duties.**

**Major life activities – general life activities:**

|   |  |                                   |
|---|--|-----------------------------------|
| <input type="checkbox"/> Bending                                | <input type="checkbox"/> Learning                | <input type="checkbox"/> Sleeping |
| <input type="checkbox"/> Breathing                              | <input type="checkbox"/> Lifting                 | <input type="checkbox"/> Speaking |
| <input type="checkbox"/> Caring for self                        | <input type="checkbox"/> Performing manual tasks | <input type="checkbox"/> Standing |
| <input type="checkbox"/> Concentrating                          | <input type="checkbox"/> Reaching                | <input type="checkbox"/> Thinking |
| <input type="checkbox"/> Eating                                 | <input type="checkbox"/> Reading                 | <input type="checkbox"/> Walking  |
| <input type="checkbox"/> Hearing                                | <input type="checkbox"/> Seeing                  | <input type="checkbox"/> Working  |
| <input type="checkbox"/> Interacting with others<br>(describe): | <input type="checkbox"/> Sitting                 | <input type="checkbox"/> Other(s) |

**Major life activities – operation of major bodily functions:**

|   |  |  |
|---|--|--|
| <input type="checkbox"/> Bladder            | <input type="checkbox"/> Genitourinary   | <input type="checkbox"/> Operation of an organ |
| <input type="checkbox"/> Bowels             | <input type="checkbox"/> Hemic           | <input type="checkbox"/> Reproductive          |
| <input type="checkbox"/> Brain              | <input type="checkbox"/> Immune          | <input type="checkbox"/> Respiratory           |
| <input type="checkbox"/> Cardio-vascular    | <input type="checkbox"/> Lymphatic       | <input type="checkbox"/> Sensory organs & skin |
| <input type="checkbox"/> Circulatory        | <input type="checkbox"/> Musculoskeletal | <input type="checkbox"/> Endocrine             |
| <input type="checkbox"/> Digestive          | <input type="checkbox"/> Neurological    | <input type="checkbox"/> Normal cell growth    |
| <input type="checkbox"/> Other(s) Describe: |  |  |

8. Commencement of impairment(s). For the impairments identified above, when did the employee's impairment(s) commence? If there is more than one impairment, please specify the start date for each:

9. Performance of essential job functions. Does the employee's impairment(s) limit his/her ability to perform the essential functions of the employee's position (as defined in the attached job description) without any accommodation? (Circle) **Yes No**

If the answer is yes, please:

a. Identify which essential function(s) the employee is unable to perform without an accommodation:

b. Describe the manner in which the employee's ability to perform each essential function is limited:

10. Accommodation(s). Please describe:



Note: Reasonable accommodations may include such things as a modified work schedule, provision of special equipment, workplace accessibility modifications, shifting of non-essential duties of the employee's position, and extended leave of absence to allow time for recovery, therapy, training, or other disability-related needs.

a. How will the accommodation(s) assist the employee in performing the essential job functions?

b. Duration: For how long do you anticipate the employee will need the identified accommodation(s) to perform the essential job functions?

\_\_\_\_\_ (circle one) days/weeks/months/years; or permanent

NOTE: You must provide your best medical judgment, based on current information, as to the length of time the employee will need an accommodation to perform his/her essential job functions.

12. Additional information. Are you aware of any other information that the employer should consider in assessing whether the employee can perform the essential job functions with or without accommodation?

(Circle) **Yes** **No**

If yes, please describe below:

Provider Name (print):

Provider Signature:

Provider Practice/Specialty:

Provider ID#:

Provider Phone Number:

Provider Address:

Date:

### Attachment 3

#### Documentation of Essential Functions Form

|   |  |
|---|--|
| Name of Employee:   | Title, Series, Grade of Position:  |
| Directorate/Division/Branch:  |  |
| <b>To be completed by Supervisor</b>  | <b>To be completed by health care professional</b>   |
| Please identify the essential functions of the position in the space below. Please include any requirements needed to perform the essential functions of the position (e.g. physical requirements). | Please document any restrictions or limitations that may impact the employee's ability to perform the essential functions of the position listed in the left column. Also, include any reasonable accommodations that may allow the individual to perform the essential functions of the position. |
| Essential Function #1   |  |
| Essential Function #2   |  |
| Essential Function #3   |  |
| Essential Function #4   |  |
| Supervisors signature and Date  | Healthcare Provider Name, Signature and Date   |

## Attachment 4

### Denial of Reasonable Accommodation Request Form

Log Number \_\_\_\_\_

1. Individual Requesting Reasonable Accommodation \_\_\_\_\_

2. Type(s) of accommodation requested:

3. Request for accommodation denied because (may check more than one box):

\_\_\_\_\_ Accommodation would cause undue hardship

\_\_\_\_\_ Medical documentation inadequate

\_\_\_\_\_ Accommodation would require removal of one or more essential job functions

\_\_\_\_\_ Other (Please Identify) \_\_\_\_\_

4. Detailed Reason(s) for the denial of a requested accommodation (Must be specific, e.g., why accommodation is ineffective or causes undue hardship):

5. 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 the chosen accommodation is effective.

6. An individual who disagrees with the denial of an accommodation request is encouraged to initiate an Alternative Dispute Resolution (ADR) through any applicable ADR process established by the NGB.

7. If the individual wishes to file an EEO complaint, or pursue Merit Systems Protection Board (MSPB) appeal and union grievance procedures, she/he must take the following steps. The time limits for these steps apply whether or not the individual has initiated ADR:

- For an EEO complaint pursuant to 29 C.F.R. 1614, contact **the Complaint Management Branch, NGB-EI at (703) 601-6752 within 45 days from the date of this notice of denial of accommodation request; or**
- For a collective bargaining claim, file a written grievance in accordance with the provisions of the **Collective Bargaining Agreement to JHCM at (703) 607-5946**
- Initiate an appeal to the **MSPB within 30 days of an appealable adverse action as defined in 5 C.F.R. § 1201.3 to JHCM at (703) 607-5946.**

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Printed Name, Signature and Date of Deciding Official

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Employee Signature and Date Acknowledging Receipt

## Attachment 5

### REASONABLE ACCOMMODATION INFORMATION REPORT

To be completed by manager/official who processed the accommodation request. Submit to local Disabilities Program Manager (EEO Office). (Use additional sheets if necessary)

1. Request for accommodation:  (Check one)  
Approved  
 Denied (Attach copy of the written denial memo sent to individual.)
2. Date reasonable accommodation requested:
3. Who received the request:
4. Date reasonable accommodation request referred to decision maker (i.e., supervisor, Office Director):
5. Name and position of Decision Maker:
6. Date request approved or denied:
7. Date reasonable accommodation provided (it 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 (include occupational series, grade level or equivalent NSPS information and office):
10. Reasonable 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)
11. Type(s) of accommodation requested (e.g., adaptive equipment, staff assistant, removal of architectural barrier):
12. Type(s) of reasonable accommodation provided (if different from what was requested):
13. From what organization was adaptive equipment obtained?
14. Was medical information required to process this request? If yes, explain why.
15. Sources of technical assistance, if any consulted in trying to identify possible reasonable accommodations (e.g., Job Accommodation Network, Computer/Electronic Accommodations Program, disability organization, Disability Program Manager).

**Name:** \_\_\_\_\_

**Phone: Email Address:** \_\_\_\_\_

## **APPENDIX**

### **Personal Assistance Services**

#### **1. Assistive Devices**

People with disabilities have many assistive devices available to them. Under section 508 of the Rehabilitation Act, as amended, any electronic and information technology procured by Federal agencies must be accessible to employees and members of the public with disabilities; to the extent it does not pose an undue burden. Such devices might ensure successful job performance; enabling people with disabilities to perform tasks they would not otherwise be able to do or to increase the quantity, quality, or efficiency of their work. Before purchasing any assistive equipment, the agency should discuss what is needed and/or desired with the individual requesting the accommodation.

In most cases, requests for Assistive Technology (AT) equipment and some services may be done through the Department of Defense's Computer/Electronic Accommodations Program (CAP) at <http://cap.mil> at no charge to the federal agency or organization. For certain accommodations that are out of CAP's scope, Federal employers are authorized to purchase equipment if it is determined that the use of the equipment is a reasonable accommodation that will enable an employee with a disability to better perform his or her job. In certain cases, however, the Department of Veterans Affairs or State Vocational Rehabilitation office may provide the assistive device to the individual requesting a reasonable accommodation if the employee is already a client of that agency or office.

#### **Readers, Interpreters, and Other Effective Communication Tools**

One key component of reasonable accommodation is to ensure effective communication with employees who have communication-related disabilities, such as those with vision, hearing, or speech impairments. Agencies must provide appropriate "auxiliary aids and services" such as qualified sign language interpreters, trained readers, computer-assisted real-time transcription services, and alternate format documents (Braille, large print, audio cassette, or computer disk), unless doing so would fundamentally alter the program or impose an undue hardship on the agency.

**Readers:** Persons who are blind or who have low vision may need trained readers to be able to access information contained in otherwise inaccessible material. For instance, a lawyer who is blind may need a trained reader to read aloud deposition transcripts and correspondence from opposing counsel. Also, appropriate assistive technology, such as screen readers or Braille displays, can make much computer based information accessible to someone who is blind or who has low vision, thus reducing (though not necessarily eliminating) the employee's reliance on a trained reader.

**Interpreters:** Persons who are deaf or hard of hearing and who use sign language may need qualified sign language interpreters. A "qualified sign language interpreter" is someone that can competently, accurately, and impartially interpret, both receptively and expressively, using any specialized terminology necessary such that there is two-way communication in the employment setting. Someone who is deaf and who does not know sign language may benefit from a qualified oral interpreter in certain circumstances. Many people who are deaf learned to communicate using American Sign Language (ASL), rather than English, as their primary means of communication.

ASL has a different vocabulary and syntax than English. While an employee who is deaf or hard of hearing and who uses sign language may not need a qualified sign language interpreter dedicated to his or her full-time use, qualified interpreters should be used in the following circumstances:

- a. Employee orientations,
- b. Staff meetings,
- c. Training,
- d. Whenever job duties change or when there is a new major assignment;
- e. Meetings involving more than two people (it is extremely difficult to follow group discussions by lip-reading),
- f. Meetings to discuss annual or semi-annual performance evaluation, promotion eligibility, or disciplinary action, and, if needed,
- g. Whenever efficient and effective communication is important, or when verbal communication will be lengthy, or if a person with a hearing impairment can show why other forms of communication would be ineffective.

An employer might not need qualified sign language interpreters for relatively short routine matters. In those cases, an employer might communicate with an employee who is deaf by exchanging handwritten notes or typing back and forth on a computer keyboard or TTY.

#### **Other Effective Communication Tools:**

**TTYs:** A "TTY" (also known as a "teletype") is a device that allows someone who is deaf or hard of hearing or someone with a speech impairment to communicate by telephone by sending and receiving typed communications. The TTY user can communicate directly with someone else who also uses a TTY, or with those who do not use TTYs by calling a relay operator who will voice the disabled person's typed communication and then type the non-disabled person's spoken communications. Agencies could provide training to all coworkers of persons who use TTYs in how to make and receive calls using the relay system. The Federal Relay Service provides the services at: <http://www.federalrelay.us/tty>

**Video Phone (VP):** A videophone is a telephone with a video display, capable of simultaneous video and audio for communication which allows deaf and hard of hearing individuals to have telephone conversations with hearing people. Using a VP with real-time video connection via the internet, a Video Relay Service (VRS) interpreter relays the conversation between the two parties. All calls are confidential and available 24/7. VP equipment and video relay services are offered by vendors for free. Further information can be found at <https://www.nad.org/resources/technology/telephone-and-relay-services/video-relay-services/>

**Video Remote Interpreting (VRI):** VRI enables Deaf/HH users to utilize an on-demand remote sign language interpreting in order to facilitate communication between hearing individuals who are in the same location (e.g. office, cubical, front desk, etc.).

Example: A deaf professional meets with a hearing co-worker and contacts the VRI in his tablet to discuss logistic codes at his co-worker's cubicle for about seven minutes.



Example: A hearing supervisor invites a deaf computer programmer to meet with him and another co-worker to review new computer codes. The deaf individual contacts the VRI with her tablet and bring it into the conference room to communicate with her supervisor and co-worker to finalize the codes for 20 minutes.

Generally, VRI is suitable when an on-site sign language interpreter is not available to accommodate the communication in person no more than 15 or 20 minutes, but no longer than 30 minutes.

**Use of Untrained Co-workers as Readers or Interpreters:** An employer should not rely on co-workers of persons with disabilities to act as readers or sign language interpreters, unless the co-workers are qualified to do this work and it falls within their job description. Even if co-workers have learned rudimentary sign language through daily communication with the person who is deaf, they are unlikely to be able to provide effective communication in an employment setting.

**CART Computer Assisted Real-Time Transcription:** CART makes verbal communication accessible to persons who have a hearing impairment and who do not use sign language. It requires a trained person, like a stenographer, to use special equipment to transcribe verbal communication as it is taking place. The transcription may appear on a computer monitor or be projected onto a screen. The service is similar to closed captioning of a live television program.

**Alternate Format Materials:** Agencies must provide alternate format materials or other auxiliary aids and services to allow persons who have visual impairments to have full access to written materials used in the course of their employment, including such things as employee manuals and leave and earning statements. Alternate formats include Braille, large print, audiocassette recordings, and electronic copies on computer disks.

**Service Animal:** Under the Americans with Disabilities Act (ADA), a Service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task (s) performed by the dog must be directly related to the person's disability. Many people with disabilities use a service animal in order to fully participate in every-day life. Dogs can be trained to perform many important tasks to assist people with disabilities, such as providing stability for a person who has difficulty walking, picking up items for a person who uses a wheelchair, or alerting a person who has hearing loss when someone is approaching from behind.

The ADA makes a distinction between psychiatric service animals and emotional support animals. If the dog has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, that would qualify as a service animal. However, if the dog's mere presence provides comfort, that would not be considered a service animal under the ADA.

The dog must be trained to take a specific action when needed to assist the person with a disability. For example, a person with diabetes may have a dog that is trained to alert him when his blood sugar reaches high or low levels. A person with depression may have a dog that is trained to remind her to take her medication. Or, a person who has epilepsy may have a dog that is trained to detect the onset of a seizure and then help the person remain safe during the seizure.

In situations where it is not obvious that the dog is a service animal, staff may ask only two specific questions: (1) is the dog a service animal required because of a disability? And (2) what work or task has the dog been trained to perform? Staff are not allowed to request any documentation for the dog, require that the dog demonstrate its task, or inquire about the nature of the person's disability. Further information can be found at:

<https://www.ada.gov>