



## Defense Finance and Accounting Service

# INSTRUCTION

**NUMBER** 1020.1-I

March 26, 2021

**EXPIRATION** March 26, 2031

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Office of Equal Opportunity Programs (OEOP)/ZO

**SUBJECT:** Providing Reasonable Accommodations for Individuals with Disabilities

**References:** See Enclosure 1.

1. PURPOSE. To establish effective policies and procedures for processing requests for reasonable accommodation.
2. APPLICABILITY. All DFAS personnel.
3. POLICY. It is DFAS policy to provide reasonable accommodations to its employees and applicants for employment to ensure individuals with disabilities enjoy full access to equal employment opportunity at DFAS.
4. RESPONSIBILITIES. See Enclosure 2.
5. PROCEDURES. See Enclosure 3.
6. RELEASABILITY. Unlimited. Unclassified publication cleared for public release.
7. EFFECTIVE DATE. This publication is issued 3/26/21 and is hereby rescinded ten years from that date.

Audrey Y. Davis  
Director

Enclosures

1. References
2. Responsibilities
3. Procedures for Requesting Reasonable Accommodation and the Interactive Process
4. Procedures for Confidentiality and Reporting

Glossary

TABLE OF CONTENTS

ENCLOSURE 1: REFERENCES.....	4
ENCLOSURE 2: RESPONSIBILITIES.....	5
DIRECTOR, OFFICE OF EQUAL OPPORTUNITY PROGRAMS (OEOP) .....	5
DISABILITY PROGRAM MANAGER (DPM).....	5
CHIEF, HUMAN RESOURCES (HR) RECRUITMENT AND PLACEMENT .....	5
CHIEF, HUMAN RESOURCES (HR), LABOR AND EMPLOYEE RELATIONS (LER) OPERATIONS.....	6
MANAGEMENT OFFICIALS .....	6
FIRST LINE SUPERVISORS.....	6
SECOND LINE SUPERVISORS.....	6
HIRING MANAGERS AND ALL LABOR AND EMPLOYEE RELATIONS AND OEOP EMPLOYEES .....	6
EMPLOYEES.....	6
ENCLOSURE 3: PROCEDURES FOR REQUESTING REASONABLE ACCOMMODATION AND THE INTERACTIVE PROCESS .....	8
REQUESTING A REASONABLE ACCOMMODATION.....	8
TIME FRAMES FOR PROCESSING REQUESTS .....	9
PROCESSING THE REQUEST .....	9
REQUESTING MEDICAL DOCUMENTATION .....	12
GRANTING OR DENYING THE REQUEST .....	14
ENCLOSURE 4: PROCEDURES FOR CONFIDENTIALITY AND REPORTING .....	17
CONFIDENTIALITY.....	17
APPENDIX 1	
RESOURCES .....	20
APPENDIX 2	
PROCEDURES FOR REQUESTING SIGN LANGUAGE INTERPRETING SERVICES.....	21
APPENDIX 3	
PERSONAL ASSISTANCE SERVICES.....	23
GLOSSARY .....	24
PART I: ABBREVIATIONS AND ACRONYMS .....	24
PART II: DEFINITIONS.....	24

ENCLOSURE 1

REFERENCES

Code of Federal Regulations, Title 29

Code of Federal Regulations, Title 5

DFAS Instruction 5025.3, "Publication Program," December 22, 2015

U.S. Equal Employment Opportunity Commission "EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation," current edition<sup>1</sup>

U.S. Equal Employment Opportunity Commission "EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act," current edition<sup>2</sup>

U.S. Equal Employment Opportunity Commission "EEOC Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act (ADA)," current edition<sup>3</sup>

United States Code, Title 29

United States Code, Title 42, Chapter 126 (also known as the "Americans with Disabilities Act of 1990"), as amended

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<sup>1</sup> [https://www.eeoc.gov/policy/docs/accommodation\\_procedures.html](https://www.eeoc.gov/policy/docs/accommodation_procedures.html)

<sup>2</sup> <https://www.eeoc.gov/policy/docs/accommodation.html>

<sup>3</sup> <https://www.eeoc.gov/policy/docs/guidance-inquiries.html>

ENCLOSURE 2

RESPONSIBILITIES

1. DIRECTOR, OFFICE OF EQUAL OPPORTUNITY PROGRAMS (OEOP). Shall:
  - a. Facilitate the Agency's compliance with Section 791 of Title 29, United States Code, also known as the Rehabilitation Act of 1973.
  - b. Promote the employment of and reasonable accommodation of people with disabilities.
  
2. DISABILITY PROGRAM MANAGER (DPM). Shall:
  - a. Maintain this Instruction.
  - b. Prepare an annual report, make it available to all employees, and include the information required in Part 1614 of Title 29, Code of Federal Regulations (no identification of individual requests).
  - c. Provide training on reasonable accommodation procedures to Human Resource (HR) staffing and labor and employee relations (LER) specialists, employees, supervisors, and managers.
  - d. Provide this instruction in written or accessible format upon request.
  
3. CHIEF, HUMAN RESOURCES (HR) RECRUITMENT AND PLACEMENT. Shall:
  - a. Be the decision maker for all requests for reasonable accommodation from job applicants.
  - b. Designate a backup decision maker (no minimum grade requirement) for job applicants.
  - c. Establish internal processes to ensure the continuity of accommodation actions if responsibility for a recruitment action must be shifted from the primary staffing specialist to an alternate.
  - d. Ensure staffers involved in the application process attend training to recognize requests for reasonable accommodation and to handle them appropriately.
  - e. Ensure the staffing specialists notify any applicant that identifies a need for workplace accommodation that they must initiate the interactive process below once employed with DFAS.
  - f. Ensure that applicants are kept informed on the progress of their requests for accommodations.

4. CHIEF, HUMAN RESOURCES (HR), LABOR AND EMPLOYEE RELATIONS (LER) OPERATIONS.

a. Provide sufficient number of LER Specialists trained in reasonable accommodations to consult with and advise decision makers on DFAS Reasonable Accommodation requirements, procedures, and their respective responsibilities.

b. Capture and maintain data in accordance with 29 CFR Part 1614.203(d)(8)(vi).

5. MANAGEMENT OFFICIALS. Shall upon receiving a reasonable accommodation request from an employee or applicant not in, or to be in, their chain of command, forward the request to the appropriate decision-maker. For assistance on determining the decision-maker, contact an LER Specialist.

6. FIRST LINE SUPERVISORS. Shall:

a. Recognize and respond promptly to an employee's request for reasonable accommodation. The employee is not required to use the words "reasonable accommodation." A request for a reasonable accommodation may be as simple as an employee telling a supervisor that he/she is having difficulty performing a function or duty of his or her position because of a medical condition.

b. Engage in an interactive process with the employee requesting the reasonable accommodation to identify effective accommodations.

c. Be the decision maker for all employee requests for reasonable accommodation.

d. Coordinate with the appropriate internal and external providers of the accommodations.

e. Provide effective reasonable accommodations.

f. Consult with their servicing LER Specialist.

7. SECOND LINE SUPERVISORS. Shall serve as the decision maker for the reasonable accommodation requests when a first-line supervisor is unavailable or otherwise unable to serve.

8. HIRING MANAGERS AND ALL LER AND OEOB EMPLOYEES. Shall, upon receiving a reasonable accommodation request from an employee or applicant, forward the request to the appropriate decision-maker. For assistance on determining the decision-maker, contact an LER Specialist.

9. EMPLOYEES. Shall notify their supervisor if they no longer need the reasonable accommodation.

ENCLOSURE 3

PROCEDURES FOR REQUESTING REASONABLE ACCOMMODATION AND  
THE INTERACTIVE PROCESS

1. THE INTERACTIVE PROCESS. The interactive process at DFAS is designed to provide employees and applicants with a disability an organized forum to initiate with DFAS a discussion about their needs and enable DFAS to provide an effective reasonable accommodation. Participants may include, in addition to the requester: an LER Specialist, the first line supervisor (decision maker), and health care providers with explicit consent from the requester.

2. REQUESTING A REASONABLE ACCOMMODATION.

a. An employee or applicant for employment making a request for (or change to) a reasonable accommodation, either directly or through a family member, health professional, or other representative may:

(1) Request a reasonable accommodation whenever they choose, even if they have not previously disclosed the existence of a disability. Employees need not have a particular accommodation in mind before making a request. Employees may go to the Job Accommodation Network website for information on the types of accommodations that exist.

(2) Request a reasonable accommodation orally or in writing.

(3) Follow up an oral request in writing (including by email) to the employee's first line supervisor; or for applicants, to Chief, HR Recruitment and Placement.

b. The request for reasonable accommodation may be made to any of the following:

(1) The requester's supervisor.

(2) Another supervisor or manager in their immediate chain of command.

(3) The DFAS OEOP.

(4) The Disability Program Manager (DPM).

(5) DFAS LER Operations.

(6) Hiring Managers.

(7) The Chief, HR Recruitment and Placement.

c. The decision maker shall:

(1) Not wait until the employee submits written confirmation to process an oral request for reasonable accommodation.

(2) Upon learning of the possibility of a reasonable accommodation request, from any source, follow-up with the employee or applicant who may need the accommodation.

3. TIME FRAMES FOR PROCESSING REQUESTS. The deadlines listed in this instruction are internal management direction and goals. They do not create any right of action for employees.

a. If a request can be processed by the decision maker without medical information and procured using a government purchase card, the decision maker shall make all reasonable efforts to process the request and when approved, provide the accommodation within 21 calendar days from the date the decision maker receives the request.

b. The requester shall notify the decision maker if the request is related to a time-sensitive event, such as the need for an interpreter or job coach for an unscheduled meeting or a meeting/interview scheduled with short notice. In such cases, the decision maker will make all reasonable efforts to expedite the request.

c. If the decision maker, in coordination with the LER Specialist, determines that a request requires medical documentation, the decision maker shall request the information as soon as possible and shall make all reasonable efforts to process the request and, if approved, provide the accommodation within 36 calendar days from the date the decision maker receives the request for reasonable accommodation. DFAS will not be expected to adhere to this timeline if the requestor does not provide necessary documentation in a timely manner.

d. When extenuating circumstances delay a decision on a request or provision of reasonable accommodation, the decision maker shall notify and update the requester of the reason for the delay and, when possible, the approximate date on which a decision or provision of the reasonable accommodation is expected.

e. If there is a delay in providing an accommodation either due to a delay in medical documentation or other extenuating circumstances, the decision maker must investigate and coordinate with the LER Specialist to determine whether temporary measures can be taken to assist the employee. If temporary measures are implemented, the requester must be notified of the temporary nature of the accommodation provided.

f. Where a particular reasonable accommodation can be provided in less than the maximum amount of time permitted by this instruction, failure to provide the accommodation in a prompt manner may result in a violation of the Rehabilitation Act.

4. PROCESSING THE REQUEST.

a. The DFAS representative receiving a reasonable accommodation request shall identify and forward the request to the appropriate decision maker, with the assistance of an LER Specialist if needed, as soon as possible but no later than five business days after receiving the request.

b. The decision-maker shall:

(1) As soon as practical, but in no case longer than three business days from the date the request was received:

(a) Identify themselves as the POC for the accommodation request to the requester.

(b) Discuss this accommodation instruction with the requester.

(2) Work with the employee or applicant in processing the request.

(3) When a request for accommodation is made by a third party, confirm with the applicant or employee with a disability that they want a reasonable accommodation as soon as practicable (e.g., if in an acute condition, process the request and consult directly with the individual when possible).

(4) Notify the DFAS LER Specialist of the request.

c. The requester:

(1) Shall actively engage in an interactive process with the decision maker to identify specific limitations created by the disability(ies) and their effects on the requester's ability to perform the essential functions of the employee's position as determined by the employee's immediate supervisor.

(2) May track the processing of requests for reasonable accommodation:

(a) Through their supervisor, if a DFAS employee.

(b) Through the Chief, HR Recruitment and Replacement if an applicant.

d. The decision maker and the requester shall:

(1) Actively, cooperatively, and continually engage in or continue an interactive discussion regarding:

(a) The essential functions of the position.

(b) The nature of the impairment.

(c) The limitations imposed by the impairment.

(d) The effect of those limitations on the ability to perform the essential functions of the position.

(e) Options for accommodation. Consult Appendix 1 to this Enclosure and the LER Specialist, and consider a range of possible types of accommodations, including but not limited to:

- i. Making physical modifications to the workplace.
- ii. Acquiring equipment or adaptive devices.
- iii. Modifying existing equipment.
- iv. Modifying policies.
- v. Restructuring a job (while maintaining the essential job functions).
- vi. Granting part-time work.
- vii. Modifying a work schedule.
- viii. Providing sign language interpreters, readers, or personal assistants. See Appendix 2 to Enclosure 3.
- ix. Granting leave (use of accrued paid leave, or permitting unpaid leave).
- x. Permitting telework. See DFAS 1442.1-I, Telework and Remote Work Programs.
- xi. Personal Assistance Services. See Appendix 3.

(2) Continue the interactive discussion even after an initial accommodation has been granted or denied in an ongoing effort to identify the most effective reasonable accommodation available.

a. The decision maker shall:

(1) Where an individual requests a particular accommodation that is not effective, would pose an undue hardship, or is otherwise not legally required (e.g., removing an essential job function), continue the interactive process with the requester by exploring alternatives, including researching the sources in the Appendix 1 to this Enclosure and discussing with the LER Specialist.

(2) Consider reassignment to an existing vacant position as the accommodation of last resort, only if no other accommodations are available (without causing undue hardship) to enable

the individual to perform their current job. If considering reassignment, the decision maker shall:

(a) Consider reassignment to a vacant funded position for which the employee is qualified. The employee is qualified if the employee (1) satisfies the requisite skill, experience, education, and other job-related requirements of the position, and (2) can perform the essential functions of the position with or without reasonable accommodation. If the employee is qualified for the position, the employee should be reassigned to the job as a reasonable accommodation without competing for it.

(b) Coordinate with both HR and the requester to identify vacant funded positions for which the employee is qualified, with or without reasonable accommodation.

(c) Consider reassignment to a vacant funded 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.

(d) Be aware that DFAS is not required to create a position or make a temporary position permanent as an accommodation, nor is it required to place a worker in a higher-graded position in an effort to satisfy a reasonable accommodation request.

f. The Chief, HR Recruitment and Placement shall use the Placement Assistance List (PAL) to assist the LER Specialist in identifying potential positions for placing qualified disabled individuals for whom reassignment is a reasonable accommodation.

g. The decision maker shall continue the interactive process with the requester until either a reasonable accommodation is found or the decision maker determines no accommodation is available.

#### 4. REQUESTING MEDICAL DOCUMENTATION.

a. If a decision maker believes medical information is necessary to evaluate a request for reasonable accommodation:

(1) The decision maker, within three (3) business days of receiving the request, should:

(a) In consultation with the LER Specialist, determine whether medical information is needed.

(b) Request that the requester provide documentation or information from a qualified health care professional that is sufficient to substantiate:

1. The nature, severity, and duration of the individual's impairment.

2. The activity or activities that the impairment limits, both at work and outside of work.

3. The extent to which the impairment limits the individual's ability to perform the activity or activities.

4. Why the requester requires reasonable accommodation or the particular reasonable accommodation requested, as well as how the reasonable accommodation will assist the individual to apply for a job, perform the essential functions of the job, or enjoy a benefit of the workplace.

(c) Include in the request the nature of the job, the essential functions the individual is expected to perform, and any other relevant information.

(d) A decision maker shall not ask for documentation unrelated to the request for reasonable accommodation.

(2) The decision maker shall work with the LER Specialist in seeking additional guidance or advice regarding appropriate medical information. In some cases, the requester will supply medical information directly to the decision maker without being asked. In these cases, the decision maker shall consider such documentation, and if additional information is needed, the decision maker will work with the LER Specialist, as set forth in this section.

b. Requesters should provide the requested documentation or information within a reasonable period of time, generally not more than 15 calendar days from the date of the request for medical documentation. If, despite the good faith effort of the requester to obtain this information, more time is needed, the decision maker may grant additional time, generally not more than an additional 15 calendar days, upon the requester's specific request. Requesters should maintain a copy of the information provided to the requesting decision maker. The decision maker should notify the requester when the additional medical document is due.

c. If applicable, once the medical information is received, the decision maker shall evaluate the information, in consultation with the LER Specialist. If necessary, the LER Specialist may also consult with a medical expert of DFAS' choice, at the agency's expense.

d. If the information provided by the health professional or the requester is insufficient to enable the decision maker to determine whether an accommodation is appropriate, the decision maker may ask for supplemental information and should review with the LER Specialist first. The decision maker shall explain to the requester, in specific terms:

(1) Why the information provided is insufficient.

(2) What additional information is needed.

(3) Why the additional information is necessary for a determination on the reasonable accommodation request(s).

e. A decision maker shall not seek any medical information when the disability and need for accommodation is obvious or otherwise already known to the decision maker.

f. The decision maker shall explain to the requester that the failure to provide the necessary documentation or information where it has been properly requested could result in the denial of a reasonable accommodation. The requester may agree to sign a limited release that will allow the decision maker to contact the requester's health care professional to seek supplemental documentation or information.

g. If, after a reasonable period of time, generally not more than 15 days after the date the employee receives a request for medical documentation, 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 available information.

## 5. GRANTING OR DENYING THE REQUEST.

a. If the decision maker determines that a reasonable accommodation will be provided, that decision should be communicated to the requester as soon as possible, but generally not more than three (3) business days after making the decision.

b. If agency resources are required to provide the reasonable accommodation, the decision maker shall coordinate with the Site Support Director, the government purchase card holder, and any others needed to support the purchase, specifically identifying the requirement as a reasonable accommodation.

c. DFAS employees who are part of the funding approval or purchase process for any requirement identified as a reasonable accommodation:

(1) Shall confirm that the decision maker requesting the purchase is a supervisor.

(2) May verify the purchase is for a reasonable accommodation by emailing [dfas.indianapolis-in.zhs.list.reasonable-accommodation@mail.mil](mailto:dfas.indianapolis-in.zhs.list.reasonable-accommodation@mail.mil).

(3) Shall approve funding for or make the purchase, even if the purchase might otherwise appear to be inappropriate (e.g. for personal equipment).

d. If the accommodation cannot be provided immediately, the decision maker shall inform the requester in writing of the projected time frame for providing the accommodation.

e. Before denying a request for reasonable accommodation based on cost, decision makers must consider all resources available to the agency as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodations.

f. When the decision maker determines a request for reasonable accommodation will be denied, the decision maker shall:

(1) Fill out the DFAS Form 9033, “Denial of Reasonable Accommodation Request” and submit it electronically to the LER Specialist.

(2) Indicate one of the following reasons for denial:

(a) The requested accommodation would not be effective. The DFAS Form 9033 must include specific reasons why the decision maker believes the requested accommodation would not be effective.

(b) Providing the requested accommodation would result in undue hardship to DFAS. When evaluating budgetary or administrative concerns to determine if undue hardship exists, the decision maker will use the standards enunciated in Part 1614 of Title 29, CFR; Part 1630 of Title 29, CFR; and in the “Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act.” 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.

(c) Medical documentation is inadequate to establish that the requester has a disability and/or needs a reasonable accommodation. Reference Section 4.e.

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

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

(3) Include an explanation supporting the reason for denial.

(4) If the decision maker offers an alternative accommodation, include the reasons the decision maker believes the offered accommodation will be effective.

(5) Send to the LER Specialist.

g. The LER Specialist shall:

(1) Upon receiving a proposed denial of reasonable accommodation, review the DFAS Form 9033.

(2) Advise the decision-maker on whether the proposed denial is sufficiently supported.

(3) If the decision-maker still intends to deny the request, and the reason for the denial is for one of the reasons in Section 5.F. (2) (a), (b), (d), or (e), send to OGC for legal review.

h. OGC Counsel shall upon receiving a proposed denial of reasonable accommodation, opine on the proposed denial, advising the LER Specialist and the decision-maker as warranted.

i. The LER Specialist shall provide the decision-maker with options in accordance with OGC’s advise.

j. If the decision-maker proceeds with denial, they shall provide the DFAS Form 9033 to the requester, in an accessible format when requested, which informs the individual that:

(1) An individual dissatisfied with the decision on the request for reasonable accommodation may request that his/her second line supervisor reconsider the decision. The individual must make the request for reconsideration within 10 business days of receiving the DFAS Form 9033.

(2) A request for reconsideration will not extend the time limits for initiating an EEO complaint, administrative, or collective bargaining claims. The right to file an Equal Employment Opportunity (EEO) complaint is done by contacting the EEO Complaints Manager in the OEOP, Central Complaints Processing Center within 45 days from the date of receipt of the written notice of denial, regardless of whether the requestor requests reconsideration by his/her second line supervisor.

(3) Possible rights to pursue a grievance by filing a written grievance in accordance with the provisions of an applicable collective bargaining agreement.

k. Within 10 calendar days of a decision on a request for reasonable accommodation, the decision maker will complete and electronically submit the DFAS Form 9034, "Reasonable Accommodation Information Reporting," to the LER Specialist.

ENCLOSURE 4

PROCEDURES FOR CONFIDENTIALITY AND REPORTING CONFIDENTIALITY.

1. Maintaining Records:

a. Privacy Act protected information includes all medical information, including information about functional limitations and reasonable accommodation needs or requests.

b. The LER Specialist shall maintain a copy of all DFAS forms associated with processing the request for accommodation for the duration of the employee's tenure with DFAS or a minimum of three years.

c. The LER Specialist shall maintain agency records to include details about each request for reasonable accommodation. These records will be made available to the EEOC upon the EEOC's request. Records will include, at a minimum the following:

- (1) The specific accommodation requested, if any;
- (2) The job (occupational series, grade level, and agency component) sought by the requesting applicant or held by the requesting employee;
- (3) Whether the accommodation was needed to apply for the job, perform the essential functions of a job, or enjoy the benefits and privileges of employment;
- (4) Whether the request was granted (which may include an accommodation different from the one requested) or denied;
- (5) The identity of the deciding official;
- (6) If denied, the basis for such denial; and;
- (7) The number of days taken to process the request.

d. All DFAS personnel shall ensure that Privacy Act protected information, including medical information, is maintained in accordance with Section 522a of Title 5, U.S.C., also known as the Privacy Act of 1974, and the requirements of Part 1611 of Title 29, CFR.

e. HR shall not include information regarding a request for reasonable accommodation in the individual's Electronic Official Personnel File (eOPF).

f. Supervisors shall not include information regarding a request for reasonable accommodation in the supervisory file for the individual.

g. Decision makers shall maintain a separate file for each request for reasonable accommodation and will include the DFAS Form 9034.

2. Releasing Records:

a. Within DFAS: The decision maker or any other DFAS official with information pertaining to a request for reasonable accommodation may share that information with other DFAS officials only when those officials have a need to know the information.

b. Examples of DFAS employees with a possible need to know include:

(1) The Director, Site Support Office (SSO), in connection with requests for changes to a workstation may need to know an employee's functional limitations but will not need to know the employee's underlying condition.

(2) Gaining supervisors, in the case of a reassignment of an employee with a continuing need for a reasonable accommodation.

(3) First aid and safety personnel when appropriate, if the disability might require emergency treatment.

(4) The DPM when necessary to comply with reporting requirements.

(5) LER Specialists to consult with and advise decision makers on DFAS Reasonable Accommodation requirements, procedures, and their respective responsibilities.

3. During an EEO Investigation:

a. Any DFAS employee who receives a request for information from the DFAS OEOP in connection with a request for reasonable accommodation shall provide the requested information.

b. DFAS employees who receive requests for information directly from an EEO investigator pertaining to a request for reasonable accommodation shall cooperate and share that information with investigator. If the DFAS employee has not received notice of the existence of an EEO investigation, the employee shall confirm with OEOP prior to release.

4. External to DFAS:

a. Any DFAS employee who receives a request for information pursuant to Section 7114(b)(4) of Title 5, United States Code, from any labor organization (union) representing DFAS employees in connection with any request for reasonable accommodation, shall forward the request as quickly as possible to the labor relations team in DFAS LER Operations for processing.

b. Any DFAS employee who receives a request for information in connection with a request for reasonable accommodation from a source outside DFAS, other than in (3) or (4)(a) above, shall forward the request to the DFAS Freedom of Information Act/Privacy Act Office for processing.

c. Any DFAS employee disclosing information in accordance with this paragraph must inform the recipients of the information, in writing, about the confidentiality requirements that are attached to the information.

APPENDIX 1 TO ENCLOSURE 3

RESOURCES

**Computer/Electronic Accommodations Program (CAP)**

Provides Assistive Technology to DFAS employees with disabilities funded through the Department of Defense at no charge to DoD.

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

**Easterseals**

Easterseals is the nation's leading provider of services and support for children and adults living with Autism Spectrum Disorder (ASD).

<https://www.easterseals.com/>

**Job Accommodation Network (JAN)**

A resource to get information on accommodation in the workplace, information on assistive technology or accessibility, and cost of an accommodation.

<https://askjan.org/>

**Vocational Rehabilitation**

A resource to gather information on recruiting and hiring disabled veterans.

Cleveland: <https://ood.ohio.gov/wps/portal/gov/ood/individuals-with-disabilities/find-us/area-managers/northeast-area-manager>

Columbus: <https://ood.ohio.gov/wps/portal/gov/ood/individuals-with-disabilities/find-us/area-managers/southeast-area-manager>

Indianapolis: <https://www.in.gov/fssa/ddrs/rehabilitation-employment/vocational-rehabilitation-employment/>

Limestone: <https://www.maine.gov/rehab/offices.shtml>

Rome: <http://www.acces.nysed.gov/vr/district-offices>

APPENDIX 2 TO ENCLOSURE 3

PROCEDURES FOR REQUESTING SIGN LANGUAGE INTERPRETING SERVICES

1. REQUESTING SIGN LANGUAGE INTERPRETING SERVICES. The requester (the employee who needs a sign language interpreter, the supervisor, or an individual who made the request on behalf of the individual with the disability) shall start the process by making an oral or written request for a reasonable accommodation, in this instance, a request for sign language interpreter services.

a. In most circumstances, it is the supervisor's responsibility to request an interpreter for an employee with whom they had a prior interactive dialogue discussion about their needs. For example, if there is a reoccurring staff meeting and the employee needs an interpreter, the supervisor can request an interpreter for the employee for all the upcoming staff meetings. An employee who is organizing a meeting outside of their chain of command must submit a request for a sign language interpreter.

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.

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.

2. PROCESSING THE REQUEST.

a. The event planner or responsible management official (decision maker) receiving the request shall ascertain the need for reasonable accommodation and request such through the SSO, unless it creates an undue hardship on the agency. For severely hard of hearing or deaf employees who can sign, reasonable accommodation, at a minimum, requires providing an interpreter for safety talks; discussions on work procedures, policies or assignments; and for every disciplinary action so that the employee can understand what is occurring at any and every stage of employment, whether or not an interpreter is requested.

b. The decision maker shall arrange for logistical support required to host the sign language interpreter (e.g., access to the facility, etc.).

c. The SSO shall confirm the receipt of all requests by email within 24 hours. The Director, SSO, will also provide the name(s) of the sign language interpreter(s) to the requester as soon as they are identified by the service provider.

(1) Extenuating circumstances may occasionally delay the consideration or provision of a reasonable accommodation. In such circumstances, the Director, SSO, will notify the decision

maker of the reason for the delay and consider whether there are temporary measures that could be taken to assist the requester until a decision on the requested accommodation can be made.

(2) DFAS will make every effort to meet all interpreting requirements. However, occasionally assignments will be canceled for reasons beyond control of the SSO. In these circumstances, the Director, SSO, will contact the decision maker if the service is not available.

(3) Cancellations of interpreting assignments by the requester made less than two (2) business days before the scheduled event frequently result in DFAS incurring cancellation fees. Short-notice cancellations should be avoided if at all possible. The Director, SSO, will attempt to minimize the incurrence of cancellation fees through reassigning the contracted interpreters to other events/meetings where it is possible.

3. DENIALS OF REQUESTS FOR INTERPRETING SERVICES.

If a request is denied, the Director, SSO, shall inform the requester in writing of the denial and the specific reasons for it, in accordance with Enclosure 3 of this instruction.

APPENDIX 3 TO ENCLOSURE 3

PROCEDURES FOR REQUESTING PERSONAL ASSISTANCE SERVICES

The process for requesting personal assistance services, the process for determining whether such services are required, and the Agency's right to deny such requests when provision of the services would pose an undue hardship are the same as for reasonable accommodations outlined in Enclosure 3 of this Instruction. These services are only for individuals with targeted disabilities. Refer to the SF 256 regarding the definition of a targeted disability.

## GLOSSARY

### PART I. ABBREVIATIONS AND ACRONYMS

EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
HR	Human Resources
LER	Labor and Employee Relations
OEOP	Office of Equal Opportunity Programs
PAL	Placement Assistance List
DPM	Disability Program Manager
SSO	Site Support Office
MER	Management/Employee Relations

### PART II. DEFINITIONS

Disability. As defined in 29 CFR 38.4.

- (1) A physical or mental impairment that substantially limits one or more major life activities of such individual;
- (2) A record of such an impairment;
- (3) Being regarded as having such an impairment.

(a) **Physical or mental impairment** means -

- (1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or
- (2) Any mental or psychological disorder, such as an intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(b) **Major life activities** -

- (1) In general. Major life activities include, but are not limited to:

(i) Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and

(ii) The operation of a major bodily function, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

(2) In determining other examples of major life activities, the term “major” shall not be interpreted strictly to create a demanding standard for disability. Whether an activity is a “major life activity” is not determined by reference to whether it is of “central importance to daily life.”

**(c) Substantially limits -**

(1) Rules of construction. The following rules of construction apply when determining whether an impairment substantially limits an individual in a major life activity:

(i) The term “substantially limits” shall be construed broadly in favor of expansive coverage, to the maximum extent permitted by the terms of the ADA. “Substantially limits” is not meant to be a demanding standard.

(ii) An impairment is a disability within the meaning of this instruction if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. An impairment need not prevent, or significantly or severely restrict, the individual from performing a major life activity in order to be considered substantially limiting. Nonetheless, not every impairment will constitute a disability within the meaning of this section.

(iii) The threshold issue of whether an impairment “substantially limits” a major life activity should not demand extensive analysis.

(iv) The determination of whether an impairment substantially limits a major life activity requires an individualized assessment. However, in making this assessment, the term “substantially limits” shall be interpreted and applied to require a degree of functional limitation that is lower than the standard for “substantially limits” applied prior to the ADAAA.

(v) The comparison of an individual's performance of a major life activity to the performance of the same major life activity by most people in the general population usually will not require scientific, medical, or statistical analysis. Nothing in this paragraph is intended, however, to prohibit the presentation of scientific, medical, or statistical evidence to make such a comparison where appropriate.

(vi) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures. However, the ameliorative effects of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

(vii) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

(viii) An impairment that substantially limits one major life activity need not substantially limit other major life activities in order to be considered a substantially limiting impairment.

Essential Functions. As defined in 29 CFR 1630. Those job duties so fundamental to the position the requester holds (or is applying for) that the requester cannot do the job without performing them. A function can be "essential" for any of several reasons, including but not limited to the following: 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 requester is/was hired based on the ability to perform it.

Qualified individual with a disability. As defined in 29 CFR 38.4. 1) With respect to employment, an individual who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation an perform the essential functions of such position;

(2) With respect to aid, benefits, services, or training, an individual who, with or without auxiliary aids and services, reasonable accommodations, and/or reasonable modifications in policies, practices and procedures, meets the essential eligibility requirements for the receipt of such aid, benefits, services, or training.

Reasonable Accommodation. As defined in 29 CFR 38.4. (i) Modifications or adjustments to an application/registration process that enables a qualified applicant/registant with a disability to be considered for the aid, benefits, services, training, or employment that the qualified applicant/registant desires; or (ii) Modifications or adjustments that enable a qualified individual with a disability to perform the essential functions of a job, or to receive aid, benefits, services, or training equal to that provided to qualified individuals without disabilities. These modifications or adjustments may be made to:

- a. The environment where work is performed or aid, benefits, services, or training are given; or
- b. The customary manner in which, or circumstances under which, a job is performed or aid, benefits, services, or training are given; or

(iii) Modifications or adjustments that enable a qualified individual with a disability to enjoy the same benefits and privileges of the aid, benefits, services, training, or employment as are enjoyed by other similarly situated individuals without disabilities.

Request for Reasonable Accommodation. 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. A request does not have to use any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act."

Undue Hardship. As defined in 29 CFR 1630. A specific accommodation that causes significant difficulty or expense. This determination, which must be made on a case-by-case basis, considers factors such as the nature and cost of the accommodation needed and the impact of the accommodation on the operations of the agency.

Personal Assistance Services. As defined in 12 CFR 268.203. 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, including, for example, assistance with removing and putting on clothing, eating, and using the restroom.