



Defense Finance and Accounting Service

INSTRUCTION

NUMBER 1020.1-I

DRAFT September 28, 2018

EXPIRATION September 28, 2023

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. Restricted. This publication is approved for use within the DFAS Agency and is published through the eLibrary.
7. EFFECTIVE DATE. This Instruction:
 - a. Is effective immediately after signing.

b. Must be reissued, canceled, or certified current within five (5) years of publication in accordance with DFAS Instruction 5025.3. If not, it will expire and be removed from website(s).

Teresa A. McKay
Director

Enclosures

1. References
2. Responsibilities
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Glossary

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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 edition¹

U.S. Equal Employment Opportunity Commission "EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act," current edition²

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 edition³

United States Code, Title 29

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

¹ https://www.eeoc.gov/policy/docs/accommodation_procedures.html

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

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

ENCLOSURE 2

RESPONSIBILITIES

1. DIRECTOR, OFFICE OF EQUAL OPPORTUNITY PROGRAMS. 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. REASONABLE ACCOMMODATION PROGRAM MANAGER. 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 Resources staffing and Management Employee Relations (MER) specialists, supervisors, and managers.

3. CHIEF, HUMAN RESOURCES 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.

4. CHIEF, HUMAN RESOURCES, LABOR AND EMPLOYEE RELATIONS OPERATIONS.

- a. Provide sufficient number of MER 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. FIRST-LINE SUPERVISORS. Shall:

- a. Engage in an interactive process with the employee requesting the reasonable accommodation to identify effective accommodations.
- b. Be the decision maker for all requests for reasonable accommodation.
- c. Coordinate with the appropriate internal and external providers of the accommodations.
- d. Provide effective reasonable accommodations.

6. 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.

7. EMPLOYEES. Shall:

- a. Notify the supervisor if reasonable accommodation is needed, if the need for reasonable accommodation changes, or if a provided accommodation becomes ineffective.
- b. Follow the procedures set forth in this Instruction for engagement in the interactive process.
- c. Assist in identifying potential accommodations to the extent possible.

ENCLOSURE 3

PROCEDURES FOR REQUESTING REASONABLE ACCOMMODATION AND
THE INTERACTIVE PROCESS

1. REQUESTING A REASONABLE ACCOMMODATION. An employee or applicant for employment making a request for reasonable accommodation either directly or through a family member, health professional, or other representative shall:

a. Request a reasonable accommodation whenever they choose, even if they have not previously disclosed the existence of a disability.

b. Request a reasonable accommodation orally, or in writing.

c. Follow up an oral request either by completing a DFAS Form 9032, "Confirmation of Request for Reasonable Accommodation," or by confirming the request in writing (including by email) to the employee's first-line supervisor; or for applicants, to Chief, Human Resources Recruitment and Placement.

d. 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 Office of Equal Opportunity Program.

(4) The Reasonable Accommodation Program Manager.

(5) The DFAS Labor and Employee Relations Operations.

(6) Any DFAS employee with whom an applicant has contact in connection with the application process.

(7) The Chief, Human Resources Recruitment and Placement.

2. TIMEFRAMES 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 15 business 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 Labor and Employee Relations Operations, 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 15 business days from the date the decision maker receives adequate medical documentation.

d. Where there are extenuating circumstances, the decision maker shall notify and update the requesting employee of the reason for the delay and, when possible, the approximate date on which a decision or provision of the reasonable accommodation is expected.

e. If there is a delay in providing an accommodation either due to a delay in medical documentation or extenuating circumstances, the decision maker must investigate and coordinate with LER Operations to determine whether temporary measures can be taken to assist the employee and clearly notify the employee that the measure is temporary.

3. PROCESSING THE REQUEST.

a. The DFAS representative receiving a reasonable accommodation request shall identify the appropriate decision maker, with the assistance of LER Operations if needed, as soon as possible but within five business days of receiving the request.

b. The decision maker shall:

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

(2) 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).

(3) Forward DFAS Form 9032 or other written request received to the DFAS LER Operations.

c. The decision maker, as soon as practical, but in no case longer than five business days, shall:

(1) Notify the requester of the identity of the decision maker for the request; and

(2) Review this Instruction with the requester.

d. The requester 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.

e. 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.
- (f) The effect of the accommodation on the operations.
- (g) The cost of the accommodation to the operations.

(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.

(3) Search for and consider possible accommodations, including consulting appropriate resources for assistance, consulting with LER Operations as needed.

f. 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), the requester and the decision maker will continue the interactive process by exploring alternatives until either a reasonable accommodation is found or the decision maker determines no accommodation is available.

(2) Consider a range of possible types of accommodations, including but not limited to:

- (a) Making physical modifications to the workplace.
- (b) Acquiring equipment or adaptive devices.

- (c) Modifying existing equipment.
- (d) Modifying policies.
- (e) Restructuring a job (while maintaining the essential job functions).
- (f) Granting part-time work.
- (g) Modifying a work schedule.
- (h) Providing sign language interpreters, readers, or personal assistants.
- (i) Granting leave (use of accrued paid leave, or permitting unpaid leave).
- (j) Permitting telework.
- (k) Reassignment to an existing vacant position.

(3) Consider reassignment of current employee requesters 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 that is equivalent in terms of pay, status, etc. to the requester's current position and for which that individual is otherwise qualified.

(b) Coordinate with both Human Resources 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) 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.

g. The Chief, Human Resources Recruitment and Placement shall use the Placement Assistance List (PAL) to assist LER Operations and management officials in identifying potential positions for placing qualified disabled individuals for whom reassignment is a reasonable accommodation.

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 LER Operations, 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 LER Operations in seeking additional guidance or advice regarding appropriate 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 LER Operations, 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.

c. Once the medical documentation is received, the decision maker shall evaluate the information, in consultation with the LER Operations. If necessary, the LER Operations 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. The decision maker shall explain to 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 the accommodation cannot be provided immediately, the decision maker shall inform the requester verbally or in writing of the projected timeframe for providing the accommodation.

c. When the decision maker determines a request for reasonable accommodation will be denied, with or without an offer of an alternate accommodation, the decision maker shall:

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

(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 uses 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.

(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) Provide the DFAS Form 9033 to the requester, which informs the individual of:

(a) The right to file an Equal Employment Opportunity (EEO) complaint by contacting the EEO Complaints Manager in the Office of Equal Opportunity, Central Complaints Processing Center within 45 days from the date of receipt of the written notice of denial.

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

d. Within ten business days of a decision on a request for reasonable accommodation, the decision maker will complete and electronically submit DFAS Form 9034, "Reasonable Accommodation Information Reporting," to LER Operations.

ENCLOSURE 4

PROCEDURES FOR CONFIDENTIALITY AND REPORTING

CONFIDENTIALITY.

a. Maintaining Records:

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

(2) The Reasonable Accommodation Program Manager 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.

(3) 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.

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

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

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

b. Releasing Records:

(1) 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.

(2) Examples of DFAS employees with a possible need to know include:

(a) 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.

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

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

(d) The Reasonable Accommodation Program Manager when necessary to comply with reporting requirements.

(3) During an EEO Investigation:

(a) Any DFAS employee who receives a request for information from the DFAS Office of Equal Opportunity Program 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 Office of Equal Opportunity Program 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.

(5) 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 TO ENCLOSURE 3

PROCEDURES FOR REQUESTING SIGN LANGUAGE INTERPRETING SERVICES AND
PERSONAL ASSISTANCE SERVICES

1. REQUESTING SIGN LANGUAGE INTERPRETING SERVICES. The requester 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. 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.

b. 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.

c. Tentative requests for sign language interpreter services cannot be supported.

2. PROCESSING THE REQUEST.

a. The event planner or responsible management official (decision maker) making the request shall ascertain the need for reasonable accommodation and request such through the SSO, unless it creates an undue hardship on the agency. The decision maker shall arrange for logistical support required to host the sign language interpreter (e.g., access to the facility, etc.). For severely hearing-impaired 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 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 it is determined that 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.

(4) Interpreting Services support for Defense Military Pay Offices (DMPOs) will be provided by the DFAS Indianapolis SSO.

3. DENIALS OF REQUESTS FOR INTERPRETING SERVICES.

a. 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.

b. Requests for interpreting support for events sponsored by external organizations, unless exempt from coverage under Title III of the Americans with Disabilities Act as private clubs or establishments (e.g., Federal Executive Association, American Society Military Comptrollers, Association of Government Accountants, etc.), cannot be supported. Only those events considered a benefit or privilege of federal employment can be supported.

4. 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.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

| | |
|------|---|
| EEO | Equal Employment Opportunity |
| EEOC | Equal Employment Opportunity Commission |
| LER | Labor and Employee Relations |
| PAL | Placement Assistance List |
| SSO | Site Support Office |
| MER | Management/Employee Relations |

PART II. DEFINITIONS

Essential Functions. 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.

Reasonable Accommodation. Any change in the work environment or in the way things are customarily done that would enable a requester to enjoy equal employment opportunities. There are three categories of reasonable accommodations:

- a. modifications or adjustments to a job application process to permit an individual with a disability to be considered for a job (such as providing application forms in alternative formats like large print or Braille);
- b. modifications or adjustments necessary to enable a qualified individual with a disability to perform the essential functions of the job (such as providing sign language interpreters); and
- c. modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment (such as removing physical barriers in an office cafeteria).

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. 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. 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.