

Army Policy and Procedures for Reasonable Accommodation and Personal Assistance Services for Individuals with Disabilities

WHY DO WE HAVE A POLICY? As part of the Army's efforts to be a model employer, we provide reasonable accommodation (RA) and personal assistance services (PAS) to qualified individuals with disabilities (job applicants and employees) in accordance with Title I of the Americans with Disabilities Act of 1990 (42 USC §12101 *et seq.*) and Section 501 of the Rehabilitation Act of 1973 as amended (29 USC §791 *et seq.*). Although many individuals with disabilities can apply for and perform jobs without any RA or PAS, there are workplace barriers that keep others from the application process or from jobs they could perform with some form of RA and/or PAS.

WHAT IS THE POLICY? It is Army policy to provide RA and/or PAS to qualified individuals with disabilities who are employees or applicants for employment, unless doing so would cause undue hardship. Requests for RA and/or PAS will be promptly processed. Failure to do so may result in a violation of the Rehabilitation Act. Applicants and employees who have requested RA or PAS will be kept informed of the status of their request. Information regarding requests for RA or PAS is confidential and will only be shared with those involved with processing and providing the RA or PAS.

WHAT IS RA? In general, RA is any change in the work environment or in the way things are customarily done that enables a qualified individual with a disability to apply for a job, to perform the essential functions of the job, and to enjoy benefits and privileges of employment equivalent to those of other employees without disabilities.

WHAT IS PAS? PAS apply to employees with targeted (severe) disabilities who, because of their targeted disability, require assistance performing activities of daily living (ADL) to enable them to be at work or participate in work-related travel. ADLs are functions that an individual would typically perform without assistance if they did not have a disability. PAS include, but are not limited to, getting in and out of a vehicle, removing and putting on clothing, eating, and using the restroom. PAS are to be provided during work hours and job-related travel, provided (1) the employee requires such services because of a targeted disability; (2) provision of such services would, together with any RA required under the existing regulations enable the employee to perform the essential functions of his or her position; and (3) the provision of such services would not impose undue hardship on the agency.

WHAT ARE TARGETED (SEVERE) DISABILITIES? Targeted disabilities are a subset of the larger disability category. Office of Personnel Management Standard Form 256 lists targeted and non-targeted disabilities https://www.opm.gov/forms/pdf_fill/sf256.pdf.

WHAT ARE THE PROCEDURES TO REQUEST RA AND/OR PAS? The procedures for requesting RA and/or PAS are essentially the same. The procedures are outlined in Army Regulation 690-12, Equal Employment Opportunity and Diversity, 12 Dec 2019,

available at:

https://armypubs.army.mil/epubs/DR_pubs/DR_a/pdf/web/ARN17808_AR690-12_FINAL.pdf. (Note: as of December 2022, the regulation is undergoing revision.) Job applicants will make their requests through the human resources representative managing the application process. Employee requests for RA and/or PAS should be made to their supervisor, who will work with the employee and the servicing Equal Employment Opportunity Office Disability Program Manager or Reasonable Accommodation Coordinator to determine disability status and to understand the limitations caused by the medical condition. This is referred to as the interactive process, which begins with the initial request - whether made orally or in writing. Together, they will explore potentially effective RA and/or PAS that will enable the employee to perform the essential functions of the job in accordance with the required performance and conduct standards, and to enjoy the benefits and privileges of employment.

WHAT IS UNDUE HARDSHIP? Undue hardship means significant difficulty or expense incurred when considered in light of the overall financial resources of the Army, excluding those resources designated by statute for a specific purpose that does not include RA or PAS. Undue hardship refers not only to financial difficulty, but to RA or PAS that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the Activity. An undue hardship determination is based on a case-by-case assessment and focuses on the resources and circumstances of the Army in relation to the cost or difficulty of providing a specific accommodation. Decision makers must consult with the servicing Disability Program Manager and legal advisor regarding undue hardship assessments.

WHERE IS ADDITIONAL INFORMATION LOCATED? Additional information can be found:

- in the guidance on the Equal Employment Opportunity Commission (EEOC) website at <https://www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada>;
- <https://www.eeoc.gov/laws/guidance/questions-answers-federal-agencies-obligation-provide-personal-assistance-services>;
- <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>;
- through the Job Accommodation Network, <https://askjan.org/>, and <https://askjan.org/publications/employers/employers-guide-hiring-process.cfm>;
- the Department of Defense Computer/Electronic Accommodations Program, <https://www.cap.mil/>.

Army Policy and Procedures on Reasonable Accommodation for Religious Reasons

WHY DO WE HAVE A POLICY? Title VII of the Civil Rights Act of 1964 (“Title VII”) prohibits federal agency employment discrimination based on religion, to include failure or refusal to reasonably accommodate the religious practices (beliefs and observances) of employees and prospective employees.

WHAT IS THE POLICY? It is Army policy, in accordance with Title VII and the implementing regulations at 29 CFR Part 1605, to provide reasonable accommodation (RA) to job applicants and employees for religious reasons unless doing so would cause undue hardship (more than a minimal burden on operations).

WHAT IS A RA FOR RELIGIOUS REASONS? A RA for religious reasons is an exception to a rule or policy or an adjustment to a work schedule that enables an employee to abide by sincerely held religious beliefs and/or observe religious practices.

WHAT ARE THE PROCEDURES TO REQUEST RA FOR RELIGIOUS REASONS?

The procedures for requesting RA for religious reasons are similar to those for requesting RA for disability. Employee requests for RA should be made to their supervisor, who will work with the employee and the servicing Equal Employment Opportunity Office, as needed, to identify and understand the conflict or limitations the employee’s working conditions impose on his or her religious observance(s). This interactive process begins with the initial request - whether made orally or in writing. Together, they will explore potentially effective RA that will remove the impediment and enable the employee to perform the essential functions of the job in accordance with the required performance and conduct standards.

WHAT IS UNDUE HARDSHIP? The standard for undue hardship is not the same as that for RA for disability. The undue hardship standard for RA for religious reasons is whether the RA will cause more than a minimal burden on the operation of the Activity.

WHERE IS ADDITIONAL INFORMATION LOCATED? Additional information can be found in the guidance on the Equal Employment Opportunity Commission(EEOC) website <https://www.eeoc.gov/laws/guidance/what-you-should-know-workplace-religious-accommodation>.