

DEPARTMENT OF THE ARMY
US Army Garrison - Alaska

**Standard Operating Procedure
for
Civilian Personnel Requesting Reasonable Accommodation**

1. PURPOSE. This memorandum describes policies and procedures and establishes responsibilities for U.S. Army Garrison Alaska (USAGAK) in the area of reasonable accommodation (RA) for individuals with disabilities. Coverage under this guidance extends to civilian employees and applicants for employment. By their very existence, the accommodations already in place at the effective date of this policy are considered reasonable; therefore this SOP is not intended to revisit those accommodations already in place at the time of implementation of this policy.

2. REFERENCES.

- a. 29 CFR 1614.203
- b. 29 CFR 1630.2
- c. Rehabilitation Act of 1973, as amended.
- d. Americans With Disabilities Act.
- e. Executive Order 13164, "Establishing Procedures to Facilitate the Provision of Reasonable Accommodation" dated 26 Jul 00, requires Federal agencies to establish written procedures for processing requests for RA.
- f. Equal Employment Opportunity Commission (EEOC), "Policy Guidance on Executive order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation" dated 20 Oct 00.
- g. Army Regulation (AR) 690-12 (Equal Employment Opportunity and Affirmative Action).
- h. AR 600-7 (Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army).

3. **APPLICABILITY.** This memorandum applies to all USAGAK and tenants with appropriated and non-appropriated fund Department of the Army (DA) employees and all applicants for employment serviced by the Civilian Personnel Advisory Center, except where excluded by a servicing agreement or where the matter is covered by a negotiated labor agreement.

4. **POLICY.** It is the policy of the Department of the Army, as contained in references g and h, and the policy of this command that qualified individuals with a disability who request an accommodation to enable them to apply for employment or to perform the essential functions of their job, will have their requests reviewed in a timely manner and approved, if the necessary accommodation is determined to be reasonable.

5. **DEFINITION.** The term employee includes:

a. Applicants for employment who have been offered a position subject to favorably completing a medical examination or other qualifying criteria.

b. Newly hired personnel who may or may not have actually commenced employment, but who have requested an accommodation in order to enable them to perform the duties of the position.

c. Current personnel who, during the course of their employment, require an accommodation for their disability.

6. **KEY TERMS.**

a. **Essential function:** Job duties that are so fundamental to the position that the individual cannot do the job without being able to perform them. A function is "essential" if, among other things, the position exists specifically to perform that function; there are a limited number of other employees who could perform the function if it were assigned to them; or, the function is specialized and the incumbent is hired based on his/her ability to perform it. Determination of the essential functions of a position must be done on a case-by-case basis so that it reflects the job as actually performed, and not simply the components of a generic position description.

b. **Extenuating circumstances:** Factors that could not reasonably have been anticipated or avoided in relation to the request for the RA.

c. **Individual with a disability:** A person who has a mental or physical disability that substantially limits one or more major life activities (such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working); has a record of such impairment; or, is regarded as having such impairment.

d. Qualified person with a disability: An individual with a disability is qualified if (1) s/he satisfied the requisite skill, experience, education, and other job-related requirements of the position; and (2) s/he can perform the essential functions of the position, with or without reasonable accommodation.

e. Reasonable accommodation: A change in the work environment or the way things are customarily done that would enable a qualified individual with a disability to enjoy equal employment opportunities. Some examples of reasonable accommodation include: making existing facilities readily accessible to and usable by employees and applicants with a disability; providing application forms in alternative formats like large print or Braille; job restructuring; modifying work schedules; reassignment to a vacant position; acquiring or modifying equipment or devices; adjusting or modifying examinations, training materials or policies; and providing qualified readers or interpreters.

f. Undue hardship: A specific accommodation that involves 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, the size and budget of the organization, and the impact of the accommodation on the operations of the agency, in this case, the Army.

7. RESPONSIBILITIES.

a. Employees are responsible for initiating requests for reasonable accommodation, providing medical documentation which justify the requests, and working cooperatively with management personnel in identifying and implementing the reasonable accommodation.

b. First line supervisors are responsible for assuring employees with disabilities are aware of the right to request RA because of medical conditions, receiving, reviewing and approving RA request whenever possible.

c. Directors and Staff Office Chiefs are responsible for receiving, reviewing and coordinating all requests for reasonable accommodation with the appropriate staff agencies in an expeditious manner. Directors and Staff Office Chiefs will ensure the requester is given a timely response to his/her request.

d. The Garrison EEO Officer and Civilian Personnel Advisory Center Director, will review all formal requests prior to the issuance of a final decision to ensure the agency has considered the regulatory requirements established by the Rehabilitation Act of 1973.

e. Directors/Staff Office Chiefs or their designated representative will make the final decision to approve or disapprove requests for reasonable accommodation. The Director/Staff Office Chief or designated representative will also make the final decision on requests for reconsideration.

f. The Civilian Personnel Operations Center and Civilian Advisory Personnel Center Directors will maintain and safeguard medical information obtained during the request process IAW with applicable federal regulations.

8. PROCEDURES FOR REQUESTING REASONABLE ACCOMMODATION.

a. Applicants. Applicants for employment who require accommodation to successfully complete the application process may request an accommodation orally or by submitting a written request to the Director, Civilian Personnel Advisory Center (CPAC). As appropriate, CPAC personnel will arrange an accommodation. Before denying any requests for an accommodation during the application process, the Director, CPAC will consult with the appropriate Equal Employment Opportunity (EEO) Officer and the Program for Individuals With Disabilities Manager. If a request is denied, applicants will be informed in writing of the denial and the complaint procedures available to them.

b. Employees.

(1) An employee may initiate a request for RA orally or in writing. The requester does not have to use any particular words or cite the Rehabilitation Act of 1973 or even use the term "reasonable accommodation". The RA process is initiated when a person with a disability indicates the need for an adjustment or a change at work or the application process for a reason related to a medical condition. The employee will be asked to complete a Rehabilitation Act Reasonable Accommodation Request (Appendix A) for record keeping purposes. Employees are encouraged to informally discuss their desire for an RA with their immediate supervisor. This is the most direct way to identify and adjust an employee's work environment, especially if the requested accommodation has little or no impact on the overall work operation or on other employees.

(2) If an employee's request for accommodation is not resolved through the informal process, the employee may initiate the formal request process by presenting a Rehabilitation Act Reasonable Accommodation Request (Appendix A) and a Consent To Release Of Information (Appendix B) to his/her Director or Staff Office Chief. The forms can be obtained from his/her Director or Staff Office Chief, the CPAC or the EEO Office. Once an employee has notified the Director or Staff Office Chief of a medical problem and has requested an accommodation, the official is obligated to begin the reasonable accommodation process.

c. The First Line Supervisor, Director or Staff Office Chief (management official) will:

(1) Informal Request Process:

(a) Discuss the request for accommodation with the employee. Each RA will be different and will be considered on a case-by-case basis. If the requested accommodation can be provided based on employee's informal request, accommodation should be approved and implemented. Requester should be informed as soon as possible about the status of their RA. Where the request is simple and straightforward and there is no question of undue hardship to the Army, processing of the RA should not exceed fifteen (15) business days. If there are extenuating circumstances that will preclude providing the RA within fifteen (15) business days, the requester will be notified of the reason for the delay and will be provided the anticipated completion date in writing.

(b) If the informal request is denied, the individual must be informed in writing, therefore the management official is obligated to initiate the formal process.

(2) Formal Request Process: (the management official will):

(a) Immediately provide the requester with the Rehabilitation Act Reasonable Accommodation Request (Appendix A) and the Consent To Release of Information (Appendix B) and ask that the forms be completed.

(b) Send a copy of the completed forms to the EEO Officer along with a summary of actions taken, to alert the EEO Officer that a request has been made. Consult with the EEO Officer on appropriate documentation necessary for making accommodation decisions, e.g., additional medical information.

(c) Review employee's job description for accuracy, consult with position classification specialists and determine essential and marginal functions of the position.

(d) Request that the employee submit medical information from physician or other treating professional regarding the diagnosis, prognosis, work restrictions, suggestions of accommodations and release to return to work where appropriate. A copy of the employee's current job description will accompany the request to the physician. A copy of the request to the physician will be provided to the EEO Office.

(e) Upon receipt of applicable information, will discuss with employee methods of meeting the employee's accommodation needs.

(f) Prepare a proposed letter of decision (Appendix D) to the Rehabilitation Act Reasonable Accommodation Request summarizing the request and detailing the proposed accommodation. Decisions that address requests for equipment, redesign of work space, or personal assistants will include cost estimates for the requested accommodation. If the recommendation to the Director/Staff Office chief is to deny the request, the proposed letter will contain the reason(s) for the denial, given in plain language and will identify the office and individual who made the recommendation. If the recommendation is to offer an alternative RA, the proposed letter will explain the specific reasons(s) for the denial and the reason that another accommodation is considered to be a good alternative. Additionally, the proposed letter will inform the requester of their rights to request reconsideration within ten (10) calendar days (Appendix C) or to initiate an EEO complaint within forty-five (45) calendar days. The management official will forward the proposed letter of decision along with a Staff Summary (Appendix E) via the EEO Office for the Director/Staff Office Chief signature within thirty (30) business days of receipt of the formal RA request. If there are extenuating circumstances that will preclude providing the RA within thirty (30) business days, the requester will be notified of the reason for the delay and will be provided the anticipated completion date in writing.

(g) Monitor the situation to ensure the accommodation is put in place in a timely manner and is effective. The Director or Staff Office Chief will notify the EEO Office of completion of the requested accommodation within ninety (90) days or when completed, whichever comes sooner. If implementation is delayed past the target date, the Director or Staff Chief will notify the EEO Officer and the employee of the delay and the revised implementation date.

(h) Annually notify EEO of all accommodations provided through the informal process. This information will be provided by fiscal year and is due to EEO NLT 15 October. The information will include: the type of accommodation provided; the cost of the accommodation; the name, occupational series and grade level of the employee; the amount of time taken to process the request; any sources of technical assistance that were consulted; if request was denied, the reason for denial; and any recommendations for improving the RA policies or procedures.

d. The EEO Officer will:

(1) Review the written request and supporting information to determine whether the employee has a disability covered by the Rehabilitation Act and add any additional recommendations and comments to the proposed decision letter provided by the Director or Staff Office Chief.

(2) Determine if equipment requests can be ordered through the Computer/Electronic Accommodations Program (CAP) or other assistive technology resources and assist in processing the request.

(3) Arrange meetings with representatives from the CPAC, the EEO Office, the Director or Staff Office Chief and the employee, where appropriate, to discuss and explore further options. The parties may want to consider mediation to achieve consensus.

e. The Director, CPAC will:

(1) Review the request and documentation to determine the impact of the request on other personnel policies, rules, labor relations matters, worker's compensation and other issues within the CPAC's area of responsibility. If the accommodation includes reassigning duties or otherwise altering the employee's current job description, the recommendation will be reviewed by a position classification specialist to determine job classification impact.

(2) Add any recommendations or comments to the proposed decision letter and forward the documentation to the Director/Staff Office chief via the Labor Counselor, for approval/disapproval.

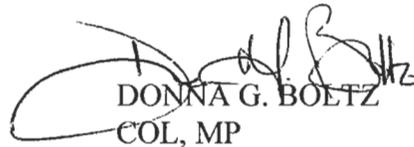
f. The Director/Staff Office Chief or designated representative will review the request with supporting documentation and approve/disapprove the request, in writing, in a timely manner. The written determination will be given to the employee with a copy to the Director or Staff Office Chief, the employee's first-line supervisor, the EEO Officer and the CPAC Director.

(1) If employee's request is approved, the written determination will include the expected date of implementation.

(2) If the request is disapproved, a copy of the Request for Reconsideration of an Accommodation Request (Appendix C) will be provided to the employee with the initial determination letter. If the Request for Reconsideration is also disapproved, the requester will be informed in writing of the complaint procedures available to him/her.

g. The Director, CPOC will ensure that all information from medical examinations and inquiries are maintained separately within the employee's general personnel file, and identified as a confidential medical record, available only under limited conditions.

9. FREEDOM FROM REPRISAL OR INTERFERENCE. Employees and applicants for employment shall be allowed to exercise their rights under this procedure without reprisal. No adverse personnel actions shall be taken as a result of any individual's exercise of his/her rights provided by references a – f. Failure to comply may result in disciplinary action up to and including dismissal.



DONNA G. BOELTZ
COL, MP

Commander, U.S. Army Garrison, Alaska

7 Apps

- A. Rehabilitation Act Reasonable Accommodation Request
- B. Employee authorization for Release of Information
- C. Request for Reconsideration of An Accommodation Request
- D. Sample Determination Letter
- E. Sample Staff Summary
- F. Overview of Informal Process
- G. Overview of Formal Process

APPENDIX A
USAGAK REHABILITATION ACT
REASONABLE ACCOMMODATION REQUEST

Date of Request _____

I am a(n) _____ Applicant _____ Current employee (Check one)

Requester's name: _____

Requester's address: _____

Requester's phone#: _____

Directorate/Section/Unit: _____

Work address: _____

Title, Pay Plan, Series and Grade of current position: _____

APPLICATION
(To be completed by employee/applicant)

1. I am requesting the following accommodation(s): (Identify your accommodation needs)

2. It is necessary for me to have this accommodation for the following reasons: (Identify specific problematic job tasks)

3. I have discussed this request with:

Requester's signature _____ Date _____

APPENDIX B
CONSENT TO RELEASE OF INFORMATION

I hereby request and authorize _____

To release and send to _____
(name of individual and activity seeking information)

the following information: _____

which you may have or may receive about me. I understand this information is to help determine the extent of my disability, its effect on work activities, and any need for reasonable accommodation to enable me to perform my job in the workplace. I have read the above and fully understand its contents in entirety and am satisfied with the reason and purpose for which my permission is given.

My consent is valid for 180 days or shall terminate on _____ and may be revoked by me at any time except for action already taken.

Employee's Name (Print)

Employee's Signature

Date

Privacy Act Statement:

The Army is authorized to collect the information by Section 501 of the Rehabilitation Act of 1973, 29 USC 791. The information provided by you will be used primarily to facilitate the processing of your request. Furnishing of the requested information and documentation is voluntary. However, failure to fully provide the necessary information may result in either delay of the needed accommodation or the denial of your request.

APPENDIX C
REQUEST FOR RECONSIDERATION OF AN ACCOMMODATION REQUEST

Date of Request _____

Requester's name _____

APPLICATION FOR RECONSIDERATION
(To be completed by employee/applicant)

To substantiate my request for an accommodation, I am submitting the following information for your reconsideration. Attached is my original request, your written determination, and documentation supporting this request.

Requester's signature Date

APPENDIX D
SAMPLE DETERMINATION LETTER

APVR-(Office Symbol)

Date

MEMORANDUM FOR (Requester's Name and Organization)

SUBJECT: Letter of Decision for a Reasonable Accommodation Determination

1. The Directorate of _____ has received and considered your formal Request for Reasonable Accommodation, dated _____ (Encl 1), in which you asked for the following accommodations:
2. The command has taken or proposes to take the following actions in response to your request for accommodation. (List the accommodations that are approved, disapproved or proposed)
3. Please be advised that you have the following rights in regard to this determination. If you disagree with the determination, you may present additional information to the Director of _____ within ten (10) business days of the date that this determination is made to further substantiate your request. Additionally be advised that you have the right to initiate a complaint within 45 days by contacting an EEO counselor.
4. The status of this determination will be reviewed in 90 days. If the requester believes that USAGAK has failed to comply with the terms of this accommodation letter, the requester shall notify the Equal Employment Office of the alleged noncompliance within 30 calendar days of when the requester knew or should have known of the alleged noncompliance. The requester may ask that the terms of the reasonable accommodation be specifically implemented or, alternatively, file an application for reconsideration. If the Director has not responded to the requester in writing or if the request for reasonable accommodation is not satisfied with the attempts to resolve the matter, the requester may initiate a complaint.

1 Encl
as

Director/Staff Office Chief Signature Block

CF:
USAGAK EEO Office
Individual's OPF

Acknowledgement of Receipt : _____
Requester's Name Date:

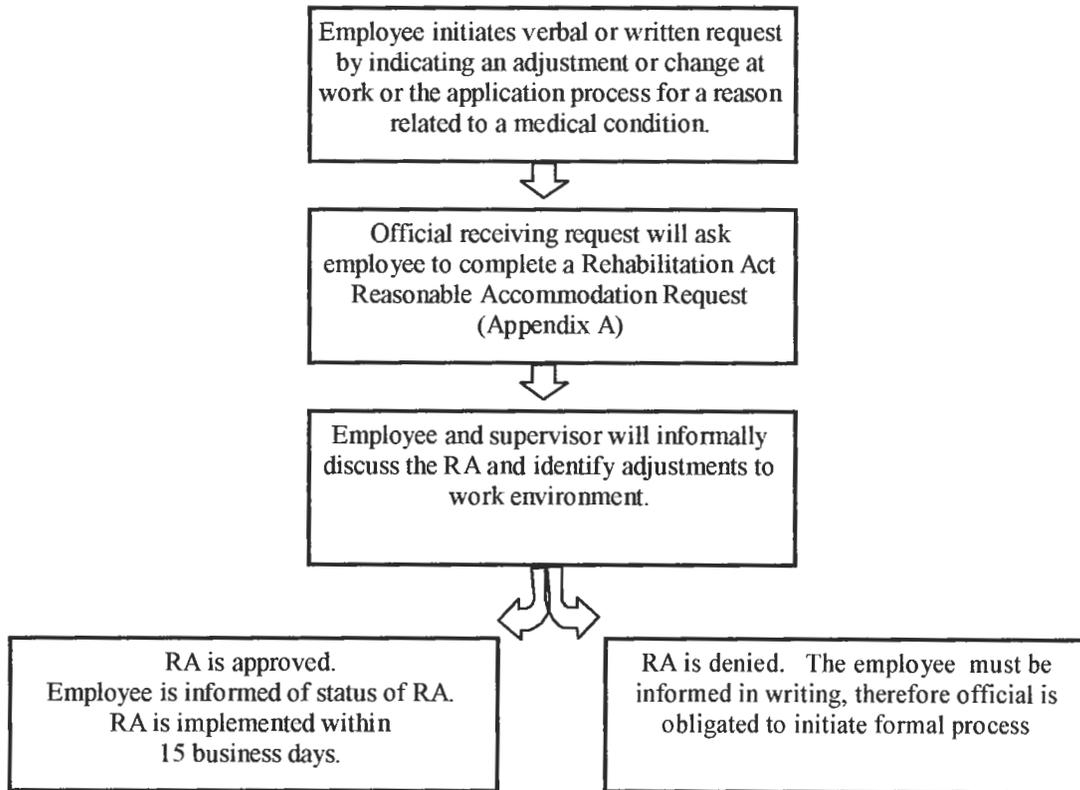
APPENDIX E
SAMPLE STAFF SUMMARY

STAFF SUMMARY			DATE: Date	
TO: APVR-XXX Director/Staff Office Chief		FROM: Originating Office		
SUBJECT: Request for Reasonable Accommodation	ACTION OFFICER (SIGNATURE)		SUSPENSE: One week	
	TYPED NAME, RANK, & PHONE			
REASON FOR ACTION: Coordinate reasonable accommodation for employee with a disability.				
FACTS/DISCUSSION:				
1. Federal law and guidance:				
<ul style="list-style-type: none"> • Section 501 of the Rehabilitation Act of 1973 – Prohibits discrimination on the basis of disability in Federal employment and requires the Federal government provide “reasonable accommodations” to applicants and employees with disabilities such as restructuring jobs, reassignments, modifying work schedules, providing technology or equipment, modifying facilities. • The Americans with Disabilities Act (ADA) - Provides protection on the basis of disability to private sector and applies to federal sector when guidance is more stringent than the Rehab Act. • Executive Order 13164 - “Establishing Procedures to Facilitate the Provision of Reasonable Accommodation”. • The Equal Employment Opportunity Office (EEOC) – “Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act”. • USARPAC draft SOP for Requesting Reasonable Accommodation • USAGAK draft SOP for Requesting Reasonable Accommodation 				
2. The attached agreement is staffed for approval.				
RECOMMENDATION: Strongly recommend approval.				
COORDINATION				
OFFICE	SIGNATURE	DATE	CONCUR	NON CONCUR
EEOO				
CPAC				
SJA				
ENCLOSURES: RA Memorandum	APPROVED:		DISAPPROVED:	
	TYPED NAME AND RANK: Director/Staff Office Chief Signature Block		TYPED NAME AND RANK: Director/Staff Office Chief Signature Block	

USARAK Form 407
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APPENDIX F
OVERVIEW OF INFORMAL REASONABLE ACCOMMODATION PROCESS

INFORMAL REASONABLE ACCOMMODATION PROCESS
Not to exceed 15 business days



APPENDIX G
OVERVIEW OF FORMAL REASONABLE ACCOMMODATION PROCESS

FORMAL REASONABLE ACCOMMODATION PROCESS
Not to exceed 30 business days

