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Equal Employment Opportunity Monthly Bulletin



“Promoting EEO, Diversity, and Education”

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Equal Employment Opportunity Commission (EEOC) News

United Parcel Service (UPS) violated the Americans with Disabilities Act (ADA) by maintaining a discriminatory policy of refusing to hire or reasonably accommodate deaf or hearing-impaired individuals for driver positions of vehicles weighing more than 10,000 pounds, even when the Department of Transportation (DOT) had authorized the practice. The DOT granted the affected individuals authorization to drive trucks over 10,000 pounds through a program exempting them from a hearing test and instead uses alternative criteria to ensure an equivalent level of driver safety.

National Disability Employment Awareness Month

Held each October, National Disability Employment Awareness Month (NDEAM) is a national campaign that raises awareness about disability employment issues and celebrates the many and varied contributions of America's workers with disabilities.

NDEAM's roots go back to 1945, when Congress enacted a law declaring the first week in October each year "National Employ the Physically Handicapped Week." In 1962, the word "physically" was removed to acknowledge the employment needs and contributions of individuals with all types of disabilities. In 1988, Congress expanded the week to a month and changed the name to "National Disability Employment Awareness Month." The Rehabilitation Act of 1973 is a Federal law prohibiting discrimination against people with disabilities by Federal agencies, Federal contractors, or programs receiving Federal funds.

In 1975, Education for all Handicapped Children Act was passed requiring public schools that accepted Federal funding provide equal education and access to education for disabled children. Years later in 1990, President Bush signed the Americans with Disabilities ACT (ADA) which prohibits discrimination against individuals with physical or mental disabilities. In 2000, President Clinton signed an Executive Order, requesting the Federal government to hire 100,000 people with disabilities over the next five years. These initiatives prompted Congress to create the Office of Disability Employment Policy within the Department of Labor, improving education, training and opportunities for youth and adults with disabilities.



Requesting Reasonable Accommodations AR 690-12 Appendix C

The failure to accommodate an employee's or prospective employee's disabilities may be discriminatory unless to do so would create an undue hardship on the conduct of the employer's business or the requested accommodation removes one or more essential job function from the employees position description. Reasonable accommodation is just what the words suggest: a logical adjustment to a job and/or the work environment that creates a more efficient or productive work place; and enables a qualified person with a disability to perform the duties of that position.

As part of the interactive process, the decisionmaker may offer alternative suggestions for reasonable accommodations and discuss their effectiveness in addressing the need for a reasonable accommodation. A decision to provide an accommodation other than the one specifically requested is considered a decision to grant an accommodation. If more than one accommodation is effective, the preference of the individual with a disability should be given primary consideration. However, the decisionmaker has the ultimate discretion to choose between effective accommodations.

Deciding what type of accommodation would be "reasonable" to provide is a management decision. A reasonable accommodation for a disabled individual may include making facilities readily available and usable by disabled employees, job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, adjustment or modification of examinations and sign language interpreters for deaf persons.

In determining what constitutes an undue hardship, an agency may consider the nature and cost of accommodation. The request for accommodation begins with an interactive and flexible discussion between the requester and the supervisor. The request can be made as an oral or written request for accommodation to the immediate supervisor, a supervisor or manager in the individual's chain of command, or the (preferred method) EEO office. The decision maker (supervisor) must notify the Disability Program Manager (DPM) within two (2) business days of receipt of a request for reasonable accommodation.

Computer Accommodations Program (CAP)

The Under Secretary of Defense for Personnel and Readiness established CAP in 1990 as the centrally funded reasonable accommodations program for employees with disabilities in the DoD. Following the National Defense Authorization Act of October 2000, Congress granted CAP the authority to provide assistive technology, devices and support services free of charge to Federal agencies that have a partnership agreement with CAP.

CAP's mission is to ensure that people with disabilities and wounded Service Members have equal access to the workplace environment and opportunities in the Department of Defense (DoD) and throughout the Federal government.

By fulfilling this mission of providing real solutions for real needs, CAP is helping to make the Federal government the model employer for people with disabilities. To visit the CAP website go to: <https://cap.mil/>

Annual Disability Self-Identification Awareness

The Fort Jackson Equal Employment Opportunity (EEO) Office is the proponent for the annual reporting of the Department of Labor's Disability percentages for the Federal Civilian Workforce (FCW). The Department of the Army FCW may self-identify, privately and securely, through the MyBiz+ application in the Defense Civilian Personnel Data System (DCPDS). The only authorized access to the information are specific DA Civilian Professionals with a need-to-know. To Self-Identify, follow these instructions:

1. Using your CAC, login to MyBiz+ at <https://compo.dcpds.cpms.osd.mil>
2. Click on the "Personal" Icon at the bottom
3. Click on "Disability"
4. Scroll through the list and select the disability of your choice. You may only select one..
5. Click "Update"

Anti-Harassment No FEAR Training FY(24)

The annual No FEAR and Anti-Harassment Training is changing for fiscal year 2024. Stay tuned for updates on the procedures for taking the mandatory annual training. All employees and supervisors of civilian employees to include active duty Soldiers who supervise civilian employees are required to take the training.