

Individuals with Disabilities

Reasonable Accommodation (RA)

Fact Sheet & Procedures

Title I of the Americans with Disabilities Act of 1990 (the "ADA") requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would cause undue hardship. In general, an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities.

On July 26, 2010, ***Executive Order 13548- Increasing Federal Employment of Individuals with Disabilities***, provided that the ***Federal Government, as the Nation's largest employer, must become a model for the employment of individuals with disabilities***. The order directs Executive departments and agencies to improve their efforts to employ Federal workers with disabilities and targeted disabilities through increased recruitment, hiring, and retention of these individuals. This is not only the right thing to do, but it is also good for the Government, as it increases the potential pool of highly qualified people from which the Federal Government draws its talent.

1. Who is an Individual with a Disability (IWD)?
 - A person who has:
 1. A mental or physical impairment that substantially limits one or more major life activities.
 2. A record of such impairment.
 3. Is regarded as having such impairment. **Individuals who are solely regarded as having a disability are not entitled to reasonable accommodations.*
2. Who is a "Qualified" Individual with a Disability?
 - A person who can perform the essential functions of the position with or without reasonable accommodations.
3. What is a Reasonable Accommodation (RA)?
 - A change in the work environment.
 - A change in the way things are customarily done which may enable an applicant/employee who is an IWD to enjoy full access to equal employment opportunities.

- A change which may assist an employee with performing the essential functions of the job. However, employee should be able to perform these functions with or without the RA.

4. Who can file a Request for Reasonable Accommodation?

- Department of the Army Civilian *employees*.
- Applicants for employment.

5. What are the procedures for filing a Request for RA?

- Review AR 690-12 Equal Employment Opportunity and Diversity (22 December 2016) – Appendix C: Procedures for Providing Reasonable Accommodation for Individuals with Disabilities
- Complete “Request for Reasonable Accommodation” and have medical provider complete “Medical Inquiry Questionnaire Response to a Reasonable Accommodation (RA) Request.”
- File your oral or written request with 1st line supervisor who generally has authority to process this action and make a determination.
- Ensure medical documentation adequately addresses any physical or mental impairment and how it affects a major life activity, i.e., walking, seeing, thinking, working, etc.
- Fully engage in the “Interactive Process” with ongoing effective communication.
- EEO chairs a Reasonable Accommodation Panel (RAP) to discuss all RA requests. The RAP is comprised of SMEs from, KACC, OSJA, CPAC, KACC-HR (if a KACC employee is filing) the Disability Program Manager (EEO), and decision maker of the request (Usually the 1st line supervisor). The RAP convenes to conduct a comprehensive review of the case. The RAP members can ONLY make recommendations on the plan of action but CANNOT decide the case. It is up to the first line supervisor and/or upper management, as needed, to make the determination (GRANT or DENY) on the case.
- Written notification to grant/deny request.
- Appeal or request reconsideration if dissatisfied with decision.

6. Examples of Reasonable Accommodations

- Making sure facilities are accessible.
- Ensuring accessibility for applicants to apply for jobs and accessibility for employees at work.
- Restructuring the job, i.e., making changes in the work environment, modification to specific job duties, etc.

- Utilizing part-time or modified work schedules.
- Adjusting or modifying tests, training materials, or policies.
- Providing qualified readers and Sign Language Interpreters.
- Acquiring assistive technology devices or modifying equipment. (May be obtained through CAP).
- Light Duty – considered on a temporary basis only.
- Reassigning an individual to a vacant position for which the employee *must be qualified*. This is the accommodation of LAST RESORT because of all the coordination involved and is considered only if no other accommodations are available.

7. Some reasons for providing Reasonable Accommodation:

- To remove barriers that prevent disabled persons from applying for, or performing jobs for which they are qualified.
- To enable agencies to expand the applicant pool of qualified persons.

8. Disability Legislation

- *Rehabilitation Act of 1973* – prohibits discrimination on the basis of disability in Federal or federally funded sectors.
- *The Architectural Barriers Act of 1968* (later Barriers Act) – enacted by Pres. Lyndon B. Johnson which requires US Government facilities to be accessible to the public/handicap accessible.
- Americans with Disabilities Act (ADA) of 1990; Amendments Act of January 2009 (ADAAA) – signed into law by Pres. George H.W. Bush is wide-ranging civil rights law that prohibits discrimination on basis of disability. Amendment broadened scope/definition of term “disability.”

9. Telecommunications Act of 1996 (previously Communications Act of 1934) – created by Federal Communications Commission (FCC) to open up markets to competition by removing unnecessary regulatory barriers to entry; foster competition in network technologies.

10. Self-Identification of Handicap for Employees

- Voluntary completion of Standard Form 256 (SF 256) which makes it possible for the EEO staff to effectively analyze and accurately report all aspects of employment. By collecting and analyzing this data, it is possible to identify and resolve employment barriers. Voluntary disclosure helps EEO comply

with reporting laws and is used only for the preparation of statistical reports. Can use "My BIZ" <http://acpol.army.mil> for confidential reporting.

- The Rehabilitation Act of 1973 and other government incentives facilitate employing disabled individuals. The EEO Office monitors employment statistics of disabled employees for compliance to the laws and regulations.

For more information on Reasonable Accommodations, please contact the Disability Program Manager at (301) 677-3660.