



PUBLIC AFFAIRS

DEPARTMENT OF DEFENSE
DEFENSE MEDIA ACTIVITY
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FORT MEADE, MD 20755-7061

DEFENSE MEDIA ACTIVITY

OPERATING INSTRUCTION

NUMBER 10-11

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SUBJECT: Procedures for Providing Reasonable Accommodation for Qualified Individuals with Disabilities

- Reference:**
- (a) Executive Order 13164, "Establishing Procedures to Facilitate the Provision of Reasonable Accommodation"
 - (b) DMA OI 10-11, "Procedures for Providing Accommodations for Qualified Individuals with Disabilities," November 15, 2011 (hereby cancelled)
 - (c) Rehabilitation Act of 1973, as amended, (29 U.S.C. § 701 *et seq.*)
 - (d) Part 1630 of Title 29, Code of Federal Regulations, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act"
 - (e) DMA OI 60-05, "Accessibility of Electronic and Information Technology (E&IT)"
 - (f) Part 1614, Title 29, Code of Federal Regulations, "Federal Sector Equal Employment Opportunity"
 - (g) Part 1614, Title 29, Code of Federal Regulation, "Rehabilitation Act"

1. PURPOSE. This Instruction:

a. Implements Executive Order 13164 (Reference (a)), to establish effective written procedures for processing requests for reasonable accommodation by employees and applicants with disabilities. These procedures supersede all prior Defense Media Activity's (DMA) policies on reasonable accommodation and hereby cancels DMA OI 10-11, Procedures for Providing Accommodation for Qualified Individuals with Disabilities (Reference (b)).

b. Nothing in these procedures will be construed as creating any legal rights for DMA applicants or employees beyond the rights such persons may have under the Rehabilitation Act of 1973, as amended, (29 U.S.C. § 701 *et seq.*) (Reference (c)) and the Americans with Disabilities Act (42 U.S.C. § 12101 *et seq.*) (Reference (d)). These procedures are intended to provide guidance for the implementation of the Rehabilitation Act. Failure to adhere strictly to the steps outlined within this document will not be construed as a violation of employee rights or administrative procedures.

2. APPLICABILITY. This Instruction applies to all DMA Principal Operating Components, Headquarters Staff Component, and all other organizational elements of the DMA, including standing boards, committees, and advisory or coordinating bodies, hereinafter referred to as “DMA Components.”

3. POLICY

a. DMA is committed to providing reasonable accommodations to its employees and applicants for employment to assure that individuals with disabilities enjoy full access to equal employment opportunity.

b. Consistent with its obligations under Reference (c), DMA will provide reasonable accommodations for:

(1) Individuals with disabilities who apply for employment with the DMA.

(2) DMA employees with disabilities to perform the essential functions of their jobs.

(3) DMA employees with disabilities to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

c. It is DMA’s policy to provide a reasonable accommodation that meets both the applicant and employee needs that does not place an undue hardship on DMA programs.

4. RESPONSIBILITIES. See Enclosure 1

5. PROCEDURES. See Enclosure 2

6. REPORTING REQUIREMENTS. The system of record keeping established by the Diversity Management and Equal Opportunity Office will be used to summarize and report, to Equal Employment Opportunity Commission annually on Management Directive 715. This serves as DMA’s performance on processing and providing reasonable accommodation.

7. EFFECTIVE DATE: This Instruction is effective immediately.


Ray B. Shepherd
Director

Enclosures:

1. Responsibilities
2. Procedures
3. Request for Medical Information
4. Reasonable Accommodation Request
5. Confidentiality Regarding Medical Information
6. Types of Reasonable Accommodation
7. Management Internal Control Checklist

Glossary

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ENCLOSURE 1
RESPONSIBILITIES

- a. Director. The Director will:
 - a. Ensure implementation of reasonable accommodation procedures.
 - b. Promote the use of reasonable accommodations throughout the agency.
 - c. Monitor the progress of all program elements in the procedures.
 - d. Provides sufficient resources to fulfill the responsibilities enumerated within.
- b. Component Heads and Staff Directors. Component Heads and Staff Directors will:
 - a. Ensure that the reasonable accommodation procedures are disseminated widely and that they are understood and implemented at all levels of their component.
 - b. Actively support and promote the procedures and remain informed of, and sensitive to, reasonable accommodations made in his or her respective areas of responsibility.
 - c. Ensure that all employees and managers comply with the reasonable accommodation procedures.
- c. Chief, Human Capital Officer (CHCO). The CHCO will:
 - a. Ensure applicants for employment receive reasonable accommodations necessary to apply for positions within the DMA.
 - b. Advise and assist supervisors and managers on any requests for reasonable accommodation in conjunction with the investigation or initiation of disciplinary, adverse, or performance based actions.
 - c. Compile data for the Diversity Management and Equal Opportunity (DMEO) office upon requests for reasonable accommodation from applicants for employment.
- d. Director, DMEO. The Director, DMEO will:
 - a. Exercise overall responsibility for managing the reasonable accommodation procedures and the Disability Program.
 - b. Institute a process that ensures DMA employees are made aware of the reasonable accommodation procedures.
 - c. Monitor the progress and results of all elements of requests for reasonable

accommodations.

d. Provide equal employment opportunity (EEO) advice to Component Heads, supervisors, and employees regarding reasonable accommodations.

e. Compile and maintain data for reporting requirements to Congress and the EEOC regarding the Agency's reasonable accommodation activity.

f. Assist the Director in planning for sufficient resources to fulfill the responsibilities.

e. Supervisor. The Supervisor will:

a. Process, approve or disapprove requests for reasonable accommodations, except for personnel actions or other actions outside the scope of the supervisor's control such as in the case of an applicant for employment.

b. Ensure the Request for Reasonable Accommodation Form is completed and forwarded to the DMEO office for record keeping purposes.

c. Advise the employee when medical documentation is required to support the request for reasonable accommodation.

d. Protect the employee's right to privacy; information related to the accommodation should be shared only on a need to know basis.

f. Employees and applicants with disabilities. Employees and applicants with a disability who desires an accommodation will:

a. Request an accommodation.

b. Complete and submit the Confirmation of Reasonable Accommodation Request Form provided by Disability Program Manager.

c. Participate in good faith with DMA officials in an interactive process to determine whether an accommodation is appropriate.

d. If requested, promptly provide a limited medical release and/or medical documentation from a physician or other licensed medical professional regarding the disability and need for accommodation.

ENCLOSURE 2

PROCEDURES

1. Requesting an Accommodation

a. The reasonable accommodation process begins when an employee, applicant, or their representative requests, due to a disability, an adjustment or modification that will enable the individual to perform the essential functions of the position, to complete the application process, or to allow them to enjoy a benefit or privilege of employment. **An individual does not need to have a particular accommodation in mind before making a request.** A healthcare professional, family member or other representative may make a request on an employee's or applicant's behalf. Whenever possible, the Disability Program Manager (DPM) will confirm the request with the individual. A request may be made orally or in writing to the agency officials below. However, any agency official receiving the request, other than the first or second line supervisor, will ensure the request is promptly forwarded to the first line supervisor for action.

- (1) An employee's first line supervisor
- (2) An employee's second line supervisor
- (3) CHCO
- (4) The Disability Program Manager (DPM)

(5) Applicants for employment should contact the Human Resources Specialist responsible for the recruitment or selection process.

b. A request does not have to use any special words, such as "reasonable accommodation", "disability", or "Rehabilitation Act". Employees may consult with the DMEO office for further information or assistance in connection with requesting or processing a request for reasonable accommodation. **For example, an employee tells her supervisor, "I'm having trouble getting to work at my scheduled starting time because of medical treatments I'm undergoing." This is a request for a reasonable accommodation.**

c. The obligation to consider an individual's request begins when the request is made to any of the individuals referenced above, and for an applicant, any employee with whom the applicant has had contact with in connection with the application process.

d. Individuals requesting a reasonable accommodation must submit a Reasonable Accommodation Request Form at Enclosure 4, available through the appropriate supervisor, DPM, or on the DMA Intranet at: <https://intranet.dma.mil/main.html>. A copy of the request form must be provided to the DPM, who will assign a log and tracking number before returning it to their supervisor. **A copy of the procedures is available to job applicants and employees in**

written and accessible formats that meets an individual's particular need.

e. A decision maker must begin processing an oral request immediately upon receipt of such a request and should not wait for the written confirmation. If the request was made by a family member, health professional or other representative, the decision maker should confirm that the employee in fact wants an accommodation.

2. Processing Requests for Reasonable Accommodation

a. The request for accommodation begins an interactive and flexible process between the requester and the decision maker. This process may include communicating with the requester to clarify the request, obtaining and exchanging information with the requester to the extent necessary regarding needs and alternatives, searching for solutions, consulting with the DPM and outside resources, and evaluating possible accommodations and additional information, if needed. **The decision maker for applicants is the Chief Human Capital Officer, dma.meade.hqdma.list.gears-chco-staffing@mail.mil or (301) 222-6067. The decision maker for employees is the employee's supervisor.**

b. If the decision maker does not immediately grant a requested accommodation, he or she will consult directly with the DPM. The DPM will coordinate, as needed, with the Office of the General Counsel prior to providing a decision maker with any recommendations in connection with a requested accommodation.

c. As soon as the decision maker determines that an accommodation will be provided, he or she will immediately communicate the decision orally or in writing to the individual. If the decision maker initially communicates the determination orally, he or she must follow-up in writing.

d. A decision maker granting a request is responsible for following through and making any necessary arrangements to ensure that the accommodation is provided within the applicable time limit. The staff advisor assistance program will determine how funding will be provided to support the provisions of reasonable accommodation not covered through the Computer/Electronic Accommodation Program (CAP).

e. The decision maker or any other official who receives information in connection with a request for reasonable accommodation may share information that is confidential and connected with that request with any other DMA officials, only when those other official(s) need to know the information in order to make a determination on an accommodation request, or to assist the decision maker in making such a determination.

f. Any DMEO staff member who has any involvement in processing a request for reasonable accommodation should recuse himself or herself from participating in the process of any subsequent formal or informal complaint challenging the activity's handling of the accommodation request. Recusal is a safeguard against actual or apparent conflicts of interest

arising with respect to formal or informal complaints where DPM and EEO counselors are co-located in the same office.

g. Resources for assistance with reasonable accommodation possibilities and lists of other resources may be found at Enclosure 6.

3. Written Request for Record Keeping Purposes

a. To enable the Agency to keep accurate records regarding requests for accommodation, employees seeking a reasonable accommodation must follow up an oral request by completing the Reasonable Accommodation Request Form (Enclosure 4).

b. While the written confirmation should be made as soon as possible following the request, it is not a requirement for the request. The DMEO office will begin processing the request as soon as it is made, whether or not the written confirmation has been provided.

c. A written confirmation is not required in every instance when an individual needs a reasonable accommodation on a recurring basis (e.g., the assistance of sign language interpreters or readers). The written form is required for the first request, although appropriate notice must be given each time the accommodation is needed. See Enclosure 6 for information on requesting sign language interpretive services.

4. Timeframes for Processing Request

a. The amount of time it takes to respond to a request for reasonable accommodation will depend on the nature of the accommodation and whether it is necessary to obtain supporting medical information.

b. The time limit should be as short as possible. These procedures permit DMA, absent extenuating circumstances, up to 15 business days to approve **a reasonable accommodation and up to 30 business days to provide or deny a reasonable accommodation**. However, where a particular reasonable accommodation can be provided in less time than authorized under these procedures, the failure to respond promptly to the request may result in a violation of Reference (c).

c. If a DMA official other than the employee's first or second line supervisor initially receives the request, the official must forward it to the employee's first or second line supervisor within 2 business days from the date he or she received the request. If the accommodation is approved, it will normally be provided within the 15-day period, unless extenuating circumstances delay implementation. Certain extenuating circumstances may delay providing reasonable accommodations within the time frame listed above. In these situations, agency managers must consider temporary accommodations and provide them when possible. Extenuating circumstances are factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation

will be extended as reasonably necessary. The following are some examples of extenuating circumstances:

(1) The purchase of equipment may take longer than 15 business days because of requirements under the Federal Acquisition Regulation.

(2) Equipment must be back-ordered, the vendor typically used for goods or services has unexpectedly gone out of business, or the vendor cannot promptly supply the needed goods or services and another vendor is not immediately available; or

(3) New staff needs to be hired or contracted for, or an accommodation involves the removal of architectural barriers or reconfiguration of working space.

d. The Director, DMEO and CHCO are responsible for training staff that is involved in the application process to recognize requests for reasonable accommodation and to handle them appropriately. Field office leaders or managers should also ensure that all staff, having contact with applicants, understands how to recognize and handle requests for reasonable accommodation.

5. Request for Computer and/or Electronic Equipment

a. Requests for computer and/or electronic equipment (i.e. TTYs, modified computer screens or peripherals, specialized software—voice activated, screen readers, etc.) can be submitted by employees and supervisors directly to the DoD CAP, but must also provide copies to the DMEO office.

b. The DoD CAP centrally funds and supplies equipment to DoD employees with disabilities and should be used by all employees or offices to ensure the most appropriate equipment is expedited and does not create an undue hardship to a particular office or component. DMA employees are strongly encouraged to take advantage of the CAP program. It saves DMA money and provides the best accommodations in most cases. The CAP request form is available on the CAP website at www.cap.mil.

c. Other reasonable accommodation resources may be found at Enclosure 6.

6. Recurring Requests. Once an employee is granted a type of reasonable accommodation that he or she is likely to need on a recurring basis (e.g., sign language interpreter), he or she is not required to submit a written request for record keeping purposes each time the accommodation is needed. After the reasonable accommodation is approved the first time, the employee may subsequently obtain the accommodation by providing notice to his or her first line supervisor.

7. Expedited Processing. In special circumstances, expedited processing may be required reducing the 15 day time frame. Examples are when the reasonable accommodation is needed to

enable an individual to apply for a job or to participate in a specific agency activity that is scheduled to occur shortly.

8. Delays in Processing Requests. If there is a delay in either processing a request for or delivering a reasonable accommodation, the decision maker must notify, in writing, the employee requesting the reasonable accommodation of the specific reasons for the delay, and to the extent possible, keep the employee informed of the date on which the Agency expects to complete the process. A decision maker could consider, for example, a temporary job restructuring or the use of equipment that might permit the individual to perform some of the functions of the job. The 15 business day time period stops running while waiting to receive information from the requestor or a health care provider. Once the medical information has been received; however, the time period begins to run again.

9. Approval of Reasonable Accommodation Request. When a request for a reasonable accommodation is approved, the individual requesting the accommodation will be notified in writing. There is no requirement for the official approving the request to provide specific reasons for his or her decision. However, DMA is required to track and monitor the processing of each request. **The applicant or employee may contact the DPM to request status of the requested accommodation. In accordance with Part 1614, Title 29, Code of Federal Regulations, "Federal Sector Equal Employment Opportunity" (Reference (f))**

10. Denial of Reasonable Accommodation Request. Decision makers must consult directly with the DPM prior to denying a request for accommodation or particular accommodation requested. Legal reviews must be conducted for all proposed denials of a reasonable accommodation. When the Agency denies an individual's request for a reasonable accommodation, it must be recorded on a Denial Reasonable Accommodation Request letter. This letter must be completed by the DMA official denying the accommodation request and must be provided to the individual who requested the accommodation. The letter must contain the specific reason(s) for the denial, state why the requested accommodation would not be effective, and/or state why the requested accommodation would pose an undue hardship. The reason(s) for the denial should be written in plain language with as much specificity as possible and should identify the employee or office that made the decision to deny the request. If DMA has denied the specific requested reasonable accommodation, but offered to make a different accommodation in its place, the Denial of Reasonable Accommodation Request letter should explain both the reasons for the denial of the requested accommodation and the reasons why it believes the chosen accommodation will be effective. The supervisor of the individual whose request was denied must forward the letter to the DMEQ office within 10 business days of the decision. **Decision makers will not deny requests for accommodation for reasons of cost and will ensure individuals with disabilities are not excluded from employment due to the anticipated cost of a reasonable accommodation. Decision makers must consider all resources available, excluding those designated by statute for a specific purpose that does not include reasonable accommodation, prior to denying an accommodation based on cost.**

11. Information Tracking. **The DPM will log the reasonable accommodation request and assign a tracking number. Reasonable accommodation requests are tracked to ensure DMA is**

complying with the nondiscrimination and affirmative action requirements imposed under Section 501, and to make such records available to EEOC upon EEOC's request. The information documented are: the specific reasonable accommodation; the job (occupational series, grade level, and component) of applicant or employee; whether the accommodation was needed to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of employment; whether the request was granted or denied; the identity of the deciding official; the basis of the denial; and the number of days taken to process the request.

12. Confidentiality. The Rehabilitation Act requires that all medical information obtained in connection with the reasonable accommodation process be kept confidential. This means that all medical information, which DMA obtains in connection with a request for reasonable accommodation, including information about functional limitations and reasonable accommodation needs, must be kept in files separate from the individual's personnel file. It also means that a DMA employee who obtains or receives such information is strictly bound by these confidentiality requirements.

13. Request for Personal Assistance. DMA will provide an employee with, in addition to professional services required as a reasonable accommodation under the standards set forth in Part 1630, Title 29, Code of Federal Regulation, personal assistance services during work hours and job related travel if

- a. The employee requires such services because of a targeted disability;
- b. Provision of such services would, together with an reasonable accommodations required under the standards set forth in Part 1630, Title 29, Code of Federal Regulation enable the employee to perform the essential functions of his or her position;
- c. Provision of such services would not impose undue hardship on DMA.

Personal assistance services allows employees to participate in the workplace. Personal assistance services must be performed by a personal assistance provider. DMA will consider the employee's/applicant's preferences when selecting a personal assistant. The process for requesting personal assistance services, the process for determining whether such services are required, and DMA's right to deny such requests when provision of the services would pose an undue hardship, are the same as for reasonable accommodations.

14. Request for Reconsideration, Alternative Dispute Resolution, and the Right to pursue an EEO complaint

- a. If an employee or applicant wishes reconsideration of a denial of his or her reasonable accommodation request, he or she must submit a written request to the decision maker who denied the request. The written request for reconsideration must be made within 5 business days from the date of receipt of the denial. The employee or applicant may present additional information to support his or her request at the same time the request for

reconsideration is submitted. The decision maker should respond to the request within 5 business days of receipt of the request.

b. DMA preferred method of informal dispute resolution is Alternative Dispute Resolution (ADR). An individual whose request for accommodation has been denied has the option to initiate ADR through DMA ADR process. The ADR process for denial of a Reasonable Accommodation does not affect the time limits governing the EEO complaint process. An individual's participation in the ADR procedures does not satisfy the requirements for bringing a claim under the EEO, Merit Systems Protection Board (MSPB), or union grievance procedures, where applicable.

c. If the individual wishes to file an EEO complaint, he or she must contact the DMEO office within 45 calendar days from the date he or she received notification of the denial of request for accommodation. The individual, during the informal complaint stage, initially elects either traditional EEO counseling or mediation through DMA ADR Program. If the matter is not resolved during the informal complaint process, the individual may subsequently file a formal complaint with the DMEO office. The complaint must be received by the DMEO office within 15 calendar days from the date the individual is notified that the informal stage or ADR process has ended and has received a notice of right to file a complaint. During both the informal and formal complaint processing stages, the employee or applicant has the right to representation.

ENCLOSURE 3

REQUEST FOR MEDICAL INFORMATION

1. The DMA is entitled to know that an employee or applicant who requests reasonable accommodation has a disability covered by the Rehabilitation Act. In some cases, the disability and need for accommodation will be obvious or the individual has already provided the supervisor or other agency official with sufficient information to document the existence of the disability and his or her functional limitations. In these cases, DMA will not seek additional medical information to document the existence of the disability. However, when a disability and/or need for reasonable accommodation is not obvious or already known to DMA, the individual will be required to provide reasonable documentation about the disability and his or her functional limitations. The immediate supervisor with the assistance of the CHCO or Director, DMEO, as appropriate, will make a determination as to whether additional medical documentation is necessary. If it is determined that additional medical documentation is not necessary, the immediate supervisor will promptly complete the processing of the employee's request.

2. If additional documentation is necessary, the immediate supervisor or the DPM will explain to the employee, in specific terms, why the submitted documentation is insufficient and what additional information is needed. The DPM, in coordination with the Office of General Counsel, will assist in obtaining appropriate medical documentation. Medical information will only be requested to the extent reasonably necessary to establish that the requestor is an individual with a disability and/or needs the requested accommodation, such as:

- a. The past, present, and expected future nature, severity, and duration of the impairment (e.g. functional limitation, symptoms, side effects of any treatments, etc.).
- b. The activity or activities the impairment limits.
- c. The extent to which the impairment limits the individual's ability to perform the activity or activities.
- d. Why the individual requires the particular accommodation requested, and how the accommodation will assist the individual to apply for a job, perform the essential functions of the job, or enjoy a benefit of the workplace.

3. In order to get the most helpful information, requests for additional medical information will describe the nature of the job, the essential functions the individual is expected to perform, and any other relevant information. The Director, DMEO office or CHCO, as appropriate, will work with the first line supervisor or second level supervisor in seeking appropriate information. The request letter will inform the physician to address the medical documentation to the supervisor of record. It is the employee's responsibility to provide all medical information requested within 30 calendar days. Medical documentation may be reviewed by a medical expert of the agency's own choice at DMA expense. If the individual requesting an accommodation is still unable to

provide sufficient information in support of the request, DMA may request that the individual be examined by a health care professional of the agency's choice at the agency's expense. Also, DMA and the requestor may agree that the requestor will sign a limited release allowing the Agency to submit a list of specific questions or to otherwise contact the individual's healthcare professional to obtain additional information. DMA may not ask the employee to sign a release form so that the agency representative can speak directly with the physician. On a case-by-case basis, the DPM may submit medical documentation to an Occupational Medicine Physician (OMP) or other medical expert for assistance in assessing functional abilities. In most cases, entire medical records may not be requested or furnished because they are likely to contain information unrelated to whether an applicant or employee can perform the essential job functions and might violate health privacy rights.

4. Supplemental medical documentation may be requested when the information already submitted is insufficient to document the (1) existence of a disability, and (2) the need for reasonable accommodation. Additional documentation may be requested to:

a. Clearly explain the nature of or functional limitations due to the disability and the need for reasonable accommodation.

b. Clarify how the requested accommodation will assist the employee to perform the essential functions of the job or enjoy the benefits and privileges of the workplace.

5. If the supplemental request does not result in sufficient information, the Director, DMEO office may require the employee requesting the accommodation to be examined by a healthcare professional of the agency's choice at the agency's expense.

Note: The failure to provide appropriate documentation or to cooperate with DMA's efforts to obtain such documentation can result in a denial of the request for reasonable accommodation.

ENCLOSURE 4

REASONABLE ACCOMMODATION REQUEST INFORMATION PACKET

The following forms are used in the DMA Reasonable Accommodation Program:

- The **Confirmation of Reasonable Accommodation Request** form should be completed by the employee requesting the accommodation in order to provide pertinent information for record-keeping purposes.
- The **Medical Documentation Fact Sheet** provides an overview of the medical information needed for hidden or non-obvious disabilities.
- The **Medical Inquiry** form should be completed by your doctor or caregiver. This form provides a user-friendly method of gathering the necessary information. The information provided should be as specific as possible. Should the DPM require review by a medical professional, you will be contacted by the person assigned to process your request.

The completed forms should be submitted to the DPM, by email to: dma.meade.hqdma.mbx.dma-eeo@mail.mil, in person to Room E284 at DMA Headquarters, 6700 Taylor Avenue, Fort Meade, MD, or faxed to 301-222-6642. Upon completion of review, the DPM will issue a memo outlining the Agency's decision and any accommodations that have been approved.

Each case will remain active for 30 days after the individual receive the information packet. If the request is not pursued by providing the necessary medical documentation within that time, the case will be considered resolved. However, you may pursue the request at any time in the future by providing the necessary documentation.

Any questions, concerns, or requests for clarification should be addressed to the DPM at dma.meade.hqdma.mbx.dma-eeo@mail.mil.

MEDICAL DOCUMENTATION FACT SHEET

The following information must be contained within the medical documentation provided by the medical practitioner and may be provided on the attached Medical Inquiry Form:

1. The nature, severity, and duration of the individual's impairment.
2. The activity or activities that the impairment limits.
3. The extent to which the impairment limits the employee's ability to perform the activity or activities.
4. Why the requested reasonable accommodation is needed.
5. Whether the requested accommodation will be effective.

The documentation must establish how the requested accommodation will assist the individual in performing the essential functions of his or her position or how the requested accommodation will enable the individual to enjoy the normal benefits and privileges of the workplace.

**MEDICAL INQUIRY FORM
IN RESPONSE TO AN ACCOMMODATION REQUEST FROM:**

(Name of Employee)

AUTHORITY: Title 10, USC, Section 3012(g). PRINCIPLE PURPOSE: To provide medical documentation for Reasonable Accommodation
DISCLOSURE: Disclosure of medical information is voluntary, but may result in accommodation denial. ROUTINE USE: Source document for requesting reasonable accommodation.

A. Questions to help determine whether an employee has a disability.

A person has a disability under the ADA if the person has an impairment that substantially limits one or more major life activities. The following questions may help determine whether an employee has a disability:

Does the employee have a physical or mental impairment? Yes No

What is the impairment/diagnosis? _____

Is the impairment long-term or permanent? Yes No

If *not* permanent, how long will the impairment likely last? _____

Does the impairment affect a major life activity? Yes No

If *yes*, what major life activity(s) is/are affected?

- | | | | | |
|--|------------------------------------|-----------------------------------|--|--|
| <input type="checkbox"/> Caring For Self | <input type="checkbox"/> Walking | <input type="checkbox"/> Hearing | <input type="checkbox"/> Lifting | <input type="checkbox"/> Other: (describe) |
| <input type="checkbox"/> Interacting With Others | <input type="checkbox"/> Standing | <input type="checkbox"/> Seeing | <input type="checkbox"/> Sleeping | |
| <input type="checkbox"/> Performing Manual Tasks | <input type="checkbox"/> Reaching | <input type="checkbox"/> Speaking | <input type="checkbox"/> Concentrating | |
| <input type="checkbox"/> Breathing | <input type="checkbox"/> Thinking | <input type="checkbox"/> Learning | <input type="checkbox"/> Reproduction | |
| <input type="checkbox"/> Working | <input type="checkbox"/> Toileting | <input type="checkbox"/> Sitting | | |

Is the employee substantially limited in one or more of these major life activities? If *yes*, please explain. Yes No

B. Questions to help determine whether an accommodation is needed.

An employee with a disability is entitled to an accommodation only when the accommodation is needed because of the disability. The following questions may help determine whether the requested accommodation is needed because of the disability:

What limitation(s) is interfering with job performance?

What job function(s) is the employee having trouble performing because of the limitation(s)?

How does the employee's limitation(s) interfere with his/her ability to perform the job function(s)?

**MEDICAL INQUIRY FORM
IN RESPONSE TO AN ACCOMMODATION REQUEST (Continued)**

C. Questions to help determine effective accommodation options.

The documentation must establish how the requested accommodation will assist the individual in performing the essential functions of his or her position or how the requested accommodation will enable the individual to enjoy the normal benefits and privileges of the workplace.

If an employee has a disability and needs an accommodation because of the disability, the employer must provide a reasonable accommodation, unless the accommodation poses an undue hardship. The following questions may help determine effective accommodations:

Do you have any suggestions regarding possible accommodations to improve job performance? If so, what are they?

How would your suggestions improve the employee's job performance?

D. Comments.

Signature _____ **Date** _____

** For verification of signature please attach a business card or stationary with your letterhead. Thank you.*

ENCLOSURE 5

CONFIDENTIALITY REGARDING MEDICAL INFORMATION

All medical information should only be disclosed if strictly necessary. The Rehabilitation Act requires that all medical information obtained in connection with the reasonable accommodation process be kept confidential. This means that all medical information, which DMA obtains in connection with a request for reasonable accommodation, including information about functional limitations and reasonable accommodation needs, must be kept in files separate from the individual's personnel file. It also means that a DMA employee who obtains or receives such information is strictly bound by these confidentiality requirements. All records obtained or created during the processing of a request for reasonable accommodation, including medical records will be kept under the main custody of Director, DMEO office or CHCO.

All records will be maintained in accordance with the Privacy Act. The existence of the request, costs, or other aspects should not be shared with other employees. To do so would violate the employee's rights Reference (d). The information will be disclosed only as follows:

1. Supervisors and managers who are involved in the processing of a request for reasonable accommodation may be told about necessary restrictions on the work or duties of the employee and about the necessary accommodations(s),
2. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.
3. Government officials may be given information necessary to investigate the DMA's compliance with the Rehabilitation Act to respond to legal challenges, or to maintain records and evaluate and report on the DMA's performance in processing reasonable accommodation requests.
4. The information may, in certain circumstances, be disclosed to worker's compensation offices or insurance carriers.

ENCLOSURE 6

TYPES OF REASONABLE ACCOMMODATIONS

An accommodation is a change involving the workplace that enables a person with a disability to enjoy equal employment opportunities. A reasonable accommodation serves to remove barriers that prevent individuals with disabilities from applying for, or performing jobs for which they are qualified. Types of reasonable accommodations made available by DMA to qualified applicants and employees with disabilities consist of, but are not limited to:

1. **Job Restructuring.** Job restructuring consists of reallocating or redistributing marginal or non-essential job functions that an employee is unable to perform because of a disability; and altering when and/or how a function (marginal or essential) is performed. Supervisors are not required to reallocate essential functions as a reasonable accommodation, but may do so if appropriate.
2. **Leave.** DMA employees may use accrued paid leave or unpaid leave as a form of reasonable accommodation when necessitated by a disability. Allowing the use of limited unpaid leave will be considered where an employee has exhausted accrued paid leave. Absent undue hardship, an employee with a disability who is granted leave as a reasonable accommodation is entitled to return to the same position if he or she is still qualified and can perform the essential functions of the position with or without reasonable accommodation. Where the organization can demonstrate that holding open the position would impose an undue hardship, other vacant equivalent positions for which the employee qualifies will be considered for reassignment.
3. **Modified or Part-time Schedule.** Modification of work schedules may be permitted as a form of reasonable accommodation, absent undue hardship. Modified schedules may include adjusting arrival or departure times; providing periodic breaks; altering when certain functions are performed; allowing the use of accrued paid leave, or providing additional unpaid leave.
4. **Modified Workplace Policies.** Modification of a workplace policy may be permitted as a form of reasonable accommodation, absent undue hardship, when necessitated by an individual's disability related to limitations.
5. **Reassignment.** Reassignment is a last reasonable accommodation request and is available only to employees, not to applicants. A reassignment may be offered as a form of reasonable accommodation if the Director, DMEO and CHCO determine that no other reasonable accommodation will permit the employee with a disability to perform the essential functions of his or her current position, or if all other possible accommodations would impose an undue hardship upon the agency. If reassignment is being considered, the decision maker should explain to the employee why he or she cannot be accommodated in the current position. The decision maker should determine the employee's preference with respect to the reassignment, such as whether:

- a. The employee is willing to be reassigned outside the facility or outside the commuting area, including outside the geographic area, and if so, to what locations.
- b. The employee is willing to be reassigned to a different type of position for which he or she may be qualified, and if so to what type(s).
- c. The employee is willing to be reassigned to a different sub component of the agency, and if so, to which one(s).
- d. The employee is willing to downgrade if no position is available at his or her current grade, and if so, down to what grade.

In considering whether there are positions available for reassignment, the first line supervisor or second line supervisor will work with the Director, DMEO in conjunction with the CHCO and the individual requesting the accommodation to identify:

1. All vacant positions within the agency for which the employee may be qualified, with or without reasonable accommodation, **not just permission to compete for such position, Reference (f).**
2. All positions for which the CHCO has reason to believe will become vacant over the next 60 business days and for which the employee may be qualified. The focus is on positions that are equivalent to the employee's current job in terms of pay, status, and other relevant factors. If there is no vacant equivalent position, the agency will consider vacant lower level positions for which the individual is qualified.
3. All positions for which a vacancy announcement has been published as long as a selection to fill the position has not been made and there are no pending DoD Priority Placement matches. If an employee is being reassigned to a different geographical area, the employee must pay for any relocation expenses unless the activity routinely pays such expenses when granting voluntary transfers to other employees.
4. Reasonable Accommodations. Modification of work area designed, technology assistance and use of specialized equipment for prescribed medical accommodations such as computer and/or electronic, special chair, back support; work space adjustments as a reasonable accommodation.

UTILIZING SIGN LANGUAGE INTERPRETERS AT HEADQUARTERS

1. Scheduling Interpreter Services

a. The individual or office scheduling a meeting or event that will require interpreting services (staff meeting, training, office function, etc.) is responsible for directing the request, via e-mail, to "Interpreting Services" before scheduling the date, time, and place of the event. The DMEO office staff will provide interpreting services support for headquarters personnel.

b. Currently, field offices meet interpreter needs for employees by contracting for such service.

c. Interpreting for official DMA business always takes priority over interpreting for non-official matters.

d. Advance scheduling preferably 1 to 2 weeks is strongly encouraged, to the extent possible. Although it is not possible to foresee every occasion for which interpreting services may be required, failure to schedule interpreting services well in advance may result in the necessity to reschedule meetings until interpreter services are available.

e. If a meeting or event will last longer than one half hour, arrangements must be made for more than one interpreter to be present, or the meeting or event must be scheduled to include sufficient rest periods, including a "sign free" lunch break, if necessary. Generally, 1 interpreter can work 45-60 minutes and then needs a 15-minute break. A break during a meeting or event does not constitute a rest period for the interpreter if he or she is expected to continue working (e.g., deaf and hearing parties wish to communicate during the break and look to the interpreter to facilitate the exchange).

f. An employee who knows sign language or who is taking a sign language class is not an acceptable substitute for a contract interpreter.

2. Work events outside the workplace. DMA will provide an interpreter for an employee who is deaf or hard of hearing who, as part of his or her job, attends a meeting or event outside of the workplace.

3. Office Social Functions and Special Events to which the Interpreters are invited. Interpreting services may be routinely requested for office or agency social functions or special events, e.g., the Winter Holiday Party, the DMA Annual Picnic, scheduled during official Government time and which might be attended by employees who are deaf or hard of hearing.

4. Interpreting Phone Calls. Employees who are deaf or hard of hearing should schedule an interpreter when services are needed to interpret business-related phone calls. The telecommunication relay service is available to all DMA employees to serve telephone needs when a sign language interpreter is not available.

Additional Resources

Since the Rehabilitation Act incorporates provisions of the Americans with Disabilities Act (ADA), persons involved in the reasonable accommodation process may seek additional guidance from materials issued by the Equal Employment Opportunity Commission (EEOC) which interpret and explain the ADA. These materials include:

The four main sources of interpretive information: (1) the Interpretive Guidance accompanying the Title I regulations (also known as the "Appendix" to the regulations), 29 C.F.R. pt. 1630 app. §§ 1630.2(o), (p), 1630.9; (2) *Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act* (2002); (3) *A Technical Assistance Manual on the Employment Provisions (Title I) of the Americans with Disabilities Act*, (2002) (*Technical Assistance Manual*), the *Technical Assistance Manual* includes a 200-page Resource Directory, including federal and state agencies, and disability organizations that can provide assistance in identifying and locating reasonable accommodations; and (4) *Practical Advice for Drafting and Implementing Reasonable Accommodation Procedures Under Executive Order 13164* (2005). Reference (e)

Job Accommodation Network (JAN)

A service of the Disability Employment Policy, JAN provides information, free-of-charge about many types of reasonable accommodations. Expert consultants are available for consulting purposes toll free at 1-800-526-7234 (Voice) 1-877-781-9403 (TTY). The JAN website, <http://janweb.icdi.wvu.edu> contains a wealth of information about a wide variety of accommodations and strategies.

ADA Disability and Business Technical Assistance Centers (DBTACs)

The DBTACs consist of 10 federally funded regional centers that provide information, training, and technical assistance on the ADA. Each center works with local business, disability, governmental, rehabilitation, and other professional networks to provide current ADA information and assistance, and places special emphasis on meeting the needs of small businesses. The DBTACs can make referrals to local sources of expertise in reasonable accommodations. 1-800-949-4232 (Voice/TTY).

Computer/Electronic Accommodations Program (CAP)

CAP was established by the Department of Defense (DoD) in 1990. It is a centrally funded program that provides assistive technology (AT) and reasonable accommodations to people with disability and wounded Service members. (703) 614-8416; email cap@mail.mil

Registry of Interpreters for the Deaf

The Registry offers information on locating and using interpreters and transliteration services at (703) 838-0038 (Voice) (703) 838-0459 (TTY); <http://www.rid.org/>

Rehabilitation Engineering and Assistive Technology Society of North America (RESNA)
Technical Assistance Project

RESNA, can refer individuals to projects in all 50 states and the 6 territories offering technical assistance on technology-related services for individuals with disabilities. Services may include: information and referral centers to help determine what devices may assist a person with a disability (including access to large data bases containing information on thousands of commercially available assistive technology products); centers where individuals can test devices and equipment; assistance in obtaining funding for and repairing devices; and equipment exchange and recycling programs. Their contact information is (703) 524-6686 (Voice) or <http://www.resna.org>. Reference (e)

ENCLOSURE 7

MANAGEMENT INTERNAL CONTROL CHECKLIST

Assessable Unit: Reasonable Accommodation Request

Checklist Addressing Internal Control Areas of Interest

ACCOUNTABILITY FOR RESOURCES	YES	NO
1. Is the reasonable accommodation request verbal or written?	<input type="checkbox"/>	<input type="checkbox"/>
2. Is the medical documentation completed correctly?	<input type="checkbox"/>	<input type="checkbox"/>
3. Has the request been logged?	<input type="checkbox"/>	<input type="checkbox"/>

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

DPM: Disability Program Manager

PART II. DEFINITIONS

Note: This section is intended to provide, so far as possible, a "plain English" explanation of relevant legal terms that are defined in the Rehabilitation Act (29 U.S.C. § 705) and the Americans with Disabilities Act (42 U.S.C. § 12111). This section is not intended to change the meanings assigned to these statutory terms. Persons seeking further explanation of these terms should consult the Equal Employment Opportunity Commission's "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. Part 1630.

a person with a disability. A person who has a physical or mental impairment that substantially limits one or more major life activities. This includes people who have a record of such an impairment, even if they do not currently have a disability. It also includes individuals who do not have a disability but are regarded as having a disability.

essential functions. The fundamental job duties of the employment position the employee with a disability holds or the applicant with a disability seeks. A function can be 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 or her ability to perform it.

extenuating circumstances. Factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the necessary accommodation will be extended as reasonably necessary.

Examples of extenuating circumstances may include: waiting to receive medical documentation from a third party; or waiting for adaptive equipment to assist the employee; or unforeseen circumstances caused by a delay in the mail system.

interactive process. A flexible process through which DMA and the employee or applicant with a disability, discuss the request for accommodation in a good faith effort to identify the employee's or applicant's precise limitations and reasonable accommodations.

personal assistance service provider. An employee or independent contractor whose primary job functions include provision of personal assistance services.

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.

qualified individual with a disability. A person who is a qualified individual with a disability if he or she is able to perform the essential functions of his or her job with or without a reasonable accommodation.

reasonable accommodation. An accommodation is a change in the DMA's work rules, facilities, or conditions which enable a qualified individual with a disability to apply for a job, perform the essential functions of a job, or enjoy equal access to the benefits and privileges of employment. An accommodation is reasonable if it is effective in producing the desired result, and balances the needs of the applicant or employee and the DMA.

undue hardship. If a specific accommodation causes undue hardship, DMA does not have to provide that particular accommodation. Determination of undue hardship is always made on a case-by-case basis, considering factors that include the nature and cost of the reasonable accommodation and the impact of the reasonable accommodations on DMA's operations.