



DEPARTMENT OF THE ARMY  
US ARMY INSTALLATION MANAGEMENT COMMAND  
HEADQUARTERS, UNITED STATES ARMY GARRISON RED CLOUD AND AREA I  
UNIT # 15707  
APO AP 96258-5707

REPLY TO  
ATTENTION OF:

POLICY LETTER #1-10

IMRD-ZA

03 NOV. 2014.

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy on Reasonable Accommodation for Individuals with Disabilities

1. Purpose: This guidance describes policies and procedures and establishes responsibilities for USAG Red Cloud and Area I Reasonable Accommodation (RA) for individuals with disabilities. Coverage under this guidance extends to Civilian employees and applicants for employment. The guidance objectives are to:

- a. Establish a procedure that will support the prompt, fair, and efficient processing of requests for RA,
- b. Increase awareness of the responsibility to provide for the expansion of opportunities for individuals with disabilities,
- c. Ensure that Civilian and Military managers and supervisors comply with the provisions of the Rehabilitation Act of 1973, as amended.

2. References:

- a. Executive Order (EO) 13164, "Establishing Procedures to Facilitate the Provision of Reasonable Accommodation," dated 26 July 2000, requires Federal agencies to establish written procedures for processing requests for RA. The EO also clarifies the requirement of the Rehabilitation Act of 1973 to provide RA to qualified employees and applicants with disabilities.
- b. The Equal Employment Opportunity Commission (EEOC), on 20 October 2000, issued its "Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation". This guidance requires federal agencies to establish written procedures for processing requests for RA. The complete text of the EEOC guidance can be found at [www.eeoc.gov](http://www.eeoc.gov). Notably, the EO does not create any new rights for applicants or employees, nor does it limit an individual's rights under the Rehabilitation Act. As a result, an individual who believes that his/her rights to RA have been violated may pursue the remedies already in place under the Act.
- c. The American with disabilities Act of 1990 initially did not apply to Federal Employees because the Rehabilitation Act of 1973 already included the same information. The ADA coverage now extends equally to Federal employees.

IMRD-ZA

SUBJECT: Command Policy on Reasonable Accommodation for Individuals with Disabilities

### 3. Key Terms:

**Essential functions:** 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 limited numbers of their 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.

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

**Individual with a disability:** A person who has a mental or physical disability that substantially limits one or more major life activities; has a record of such impairments; or is regarded as having such impairments.

**"Qualified" person with a disability:** A qualified person with a disability is an individual with a disability who is otherwise qualified or capable of doing the essential functions of a job with or without reasonable accommodations.

**Reasonable Accommodation:** A change in the Work environment or in the way things are customarily done that would enable an individual with a disability to enjoy equal employment opportunities. If mission dictates that the accommodation is not feasible in the encumbered position, or requires a personnel action, the Reasonable Accommodation Panel (RAP), consisting of SJA, EEO and CPAC, will review the request. The RAP will consider assignment of the employee to a vacant position, at the same grade or lower grade, within the same directorate; the RAP will attempt to locate a vacant position throughout the serviced workforce. If a position is found within a reasonable period (usually 30-60 days), the RAP will request a review of the position description by the losing and gaining supervisors, Occupational Health Nurse and/or the attending physician, to ensure that the individual is able to perform the duties of the new position. There are three general categories of reasonable accommodations;

a. Modifications or adjustments to a job application process to permit an individual with a disability to be considered for a job (i.e., providing application forms in alternative formats like large print or Braille).

b. Modifications or adjustments necessary to enable a qualified individual with a disability to perform the essential function of the job (i.e., providing sign language interpreters, special computer keyboards, or voice amplification devices).

IMRD-ZA

SUBJECT: Command Policy on Reasonable Accommodation for Individuals with Disabilities

c. Modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment (i.e., removing physical barriers in an office).

**Undue hardship:** A specific accommodation that involves significant difficulty or expense. This determination, which must be made on a case-by-case basis, 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.

4. Bargaining unit notification requirements. Activities are required to meet their statutory and contractual labor relations' obligations to unions when implementing any policy regarding reasonable accommodations.

5. Policy. The policy of USAG Red Cloud and Area I is to implement a formal Process (written procedures) to assure individuals with disabilities (i.e., employees and applicants for employment) are provided reasonable accommodations, whenever possible, in the workplace and in employment-related situations in a timely manner.

6. Responsibilities.

a. Commanders and Directors (Military/Civilian) at all levels will:

(1) Promote the reasonable accommodations process.

(2) Provide necessary resources to support the reasonable accommodation process.

b. Management Officials/first-level supervisors will:

(1) Provide all employees with information about rights and responsibilities related to disabilities, including their right to request reasonable accommodation because of medical condition.

(2) Review reasonable accommodation requests received from employees and begin the interactive process

(3) Consider and approve reasonable accommodation requests, whenever possible.

c. USAG Red Cloud and Area I Equal Employment Opportunity Officer will:

(1) Assist in coordinating all reasonable accommodation requests.

(2) Track and report on reasonable accommodation requests in the annual Individuals with Disabilities (IWD) Affirmative Action Program (AAP) Plan.

IMRD-ZA

SUBJECT: Command Policy on Reasonable Accommodation for Individuals with Disabilities

(3) Submit reasonable accommodation data for employees to HQDA by 15 October each year, for inclusion in the DA IWD AAP Plan

d. Civilian Personnel staff will:

(1) Review reasonable accommodation requests received by applicants for employment.

(2) Consider and approve reasonable accommodation requests for applicants whenever possible.

(3) Where appropriate, provide information to supervisors regarding reasonable accommodations for employees with disabilities.

#### 7. The reasonable accommodation (RA) Process.

a. An employee or job applicant may initiate a request for reasonable accommodation orally or in writing. The employee will be asked to provide a memorandum for a reasonable accommodation for record-keeping purpose. However, a person's oral or written requests start the reasonable accommodation process. When an individual with a disability requests assistance in completing the reasonable accommodation memo, the activity must provide that assistance. Employees may seek assistance from any Disability Program Team member or staff at EEO, including collateral duty counselors.

b. The RA process is initiated when a person with a disability indicates the need for an adjustment or a change at work or in the application process for a reason related to a medical condition. The requestor does not have to use any particular words or cite the Rehabilitation Act of 1973 or even use the term "reasonable accommodation". Examples: It is sufficient for a vision-impaired person to ask for assistance with certain work-related materials; an employee may state that she/he is having a problem with an established task because of new medication.

c. A family member, health professional, or other representatives may request a reasonable accommodation on behalf of the individual with a disability. The need for a reasonable accommodation should then be confirmed with the person with the disability.

d. First-line supervisors will consider and approve requests for reasonable accommodations, whenever possible. Each reasonable accommodation request will be different and will have to be considered on a case-by-case basis. However, an employee or applicant for employment should be informed as soon as possible about the status of their reasonable accommodation request, especially if an urgent situation exists. Where the requested reasonable accommodation is simple and straightforward, and there is no question of undue hardship to the Army, processing of the reasonable accommodation request should not exceed thirty (30) days.

IMRD-ZA

SUBJECT: Command Policy on Reasonable Accommodation for Individuals with Disabilities

If there are extenuating circumstances that will preclude providing the requested reasonable accommodation within 30 days, the requestor will be notified of the reason for the delay and provided the anticipated completion date in writing.

e. Information on the type of reasonable accommodation and the date of the reasonable accommodation is provided will be documented and filed with the reasonable accommodation request memorandum.

#### 8. Medical information.

a. If the disability and/or need for accommodation are not obvious or already known by the employer, employees or applicants for employment must provide relevant medical information related to the disability (being reviewed) and the requested accommodation.

b. Additional medical information may be requested if the initial medical information submitted:

(1) Does not clearly explain the nature of the disability or the need for reasonable accommodation, or

(2) Does not clarify how the reasonable accommodation will assist the employee to perform the essential functions of the job or enjoy the benefits and privileges of the workplace.

c. The employer may have the medical information reviewed by Occupational Health or a medical expert of the employer's choice at the employer's expense.

d. In accordance with the rehabilitation Act of 1973, medical information not be requested where:

(1) Both the disability and the need for reasonable accommodation are obvious or already known, or

(2) The individual has already provided the agency with sufficient information to document the existence of the disability and her/his functional limitations.

e. The Rehabilitation Act also requires that all medical information be kept confidential. If necessary, medical information may be shared on a need-to-know basis. When medical information is disclosed to appropriate officials, they must be informed regarding the confidentiality requirements under the law.

f. In order to maintain the confidentiality of the medical information and the reasonable accommodation request data, these records should be filed separately from official personnel files or the personnel files maintained in most offices.

IMRD-ZA

SUBJECT: Command Policy on Reasonable Accommodation for Individuals with Disabilities

9. Types of reasonable accommodation.

a. Modifications or adjustments may be made to the application process, to the job, or to the workplace. Refer to the examples described for reasonable accommodation in item three, Key Terms above.

b. Flextime or telework, each providing specific flexible work arrangements between a supervisor and an employee, should be considered as options for reasonable accommodation.

c. Reassignment must be considered if no accommodations are available to enable the individual to perform the essential functions of the current position and there is no undue hardship to the organization. Reassignment may be made only to a vacant position. The law does not require the organization to create a new position or move other employees from their jobs in order to create a vacancy. If the employee is qualified for the vacant position, she/he should be reassigned to the vacant positions as a reasonable accommodation. Reassignment cannot be an adverse action and must be non-competitive. The organization will first focus on equivalent positions; however, lower level vacant positions will be considered if there are no equivalent positions to the employee's current position.

d. As stated previously (see item 7e), information on the type of reasonable accommodation and the date of the reasonable accommodation is provided should be documented and filed with the reasonable accommodation request memorandum.

10. Denials of reasonable accommodation.

a. If an individual's request for reasonable accommodation is denied, the individual must be notified in writing of the reasons for the denial. The denial should be written in plain languages, be as specific as possible, and should identify the office and individual who made the decision. As appropriate, the notice of denial should be provided in alternate format, such as large print, Braille, etc.

b. If a specific reasonable accommodation is denied, but an alternate reasonable accommodation is offered, the notice should explain the specific reason(s) for the denial and the reason that other accommodation is considered a good alternative.

c. The notice must also include an explanation of the informal procedures that are available for the review of the denial action. Individuals should be encouraged to first discuss the denial with the person who made the decision (the deciding official). If the request is not satisfied, she/he would then have opportunity to appeal the denial action to others in the deciding official's chain of command.

11. Informal procedures and EEO complaints.

a. Any informal procedures are strictly voluntary and may not be used to limit an individual's rights.

IMRD-ZA

SUBJECT: Command Policy on Reasonable Accommodation for Individuals with Disabilities

The employer may not prevent an individual from filing an EEO complaint or a Merit Systems Protection Board (MSPB) or union grievance even if she/he is also pursuing the steps detailed in the informal procedures.

b. When the employer denies a reasonable accommodation request, the employer must notify the individual in writing that she/he has a right to file an EEO complaint on the denial action and that she/he must do so within 45 days of the receipt of the denial action, even if she/he is also pursuing the steps detailed in the informal procedures.

c. The USAG Red Cloud and Area I EEO manager will provide information regarding the filing of an EEO discrimination complaint and provide a coordinated effort to resolve the situation and discuss the mediation process.

## 12. Tracking requirements.

a. The DA Proponent for the PIWD is the EEO Office. As a result, USAG Red Cloud and Area I EEO is responsible for tracking the following information:

(1) The number and types of reasonable accommodations that have been requested in the application for employment process and whether those requests were granted or denied.

(2) The jobs (occupational series, grade level, and organization) for which reasonable accommodations have been requested.

(3) The types of reasonable accommodations requested for each of those jobs.

(4) The number and types of reasonable accommodations for each job, by organization, that have been approved, and the number of types that have been denied.

(5) The number and types of requests for reasonable accommodations that relate to the benefits or privileges of employment, and whether those requests have been granted or denied.

(6) The reasons for denial of requests for reasonable accommodations.

(7) The amount of time taken to process each reasonable accommodation request.

(8) The Sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations.

b. Each directorate/organization serviced by the USAG Red Cloud and Area I EEO office will submit the reasonable accommodation tracking information data, detailed above, to the EEO office NLT 30 September of each year for consolidation in the USAG Red Cloud and Area I Affirmative Action Plan.

IMRD-ZA

SUBJECT: Command Policy on Reasonable Accommodation for Individuals with Disabilities

13. Disposition of the reasonable accommodation request data, to include medical information.

a. Documentation related to a particular individual who has requested reasonable accommodation should be filed apart from other personnel records, safeguarded regarding confidentiality requirements, and maintained for the duration of that individual's employment.

b. The tracking information data should be maintained for a period of three years. This data will assist an organization to evaluate its performance regarding the adequate and timely processing of the reasonable accommodation requests and to take corrective action, if required.

14. Appendices.

a. Reasonable Accommodation Request MD 110.

b. Reasonable Accommodation Request Checklist (illustrates form to be completed by management and submitted to the EEO manager).

c. List of Reasonable Accommodation Resources.

d. Sample "Annual Report, Reasonable Accommodation Tracking Information" (illustrates information summarized by the EEO office for higher HQ).

15. Point of Contract for this policy is the EEO Office, USAG Red Cloud and Area I, at 732-6273.



JOHN W. HAEFNER  
COL, EN  
Commanding

DISTRIBUTION:

A