

## **Army Policy and Procedures for Reasonable Accommodation**

**WHY DO WE HAVE A POLICY?** As part of the Army's efforts to be a model employer, and employ top talent, we provide reasonable accommodation (RA) to qualified job applicants and employees and we provide personal assistance services (PAS) to qualified employees in accordance with Title I of the Americans with Disabilities Act of 1990 (42 USC §12101 *et seq.*), Section 501 of the Rehabilitation Act of 1973 as amended (29 USC §791 *et seq.*), and the Pregnant Workers Fairness Act (PWFA) of 2022. Although many individuals with disabilities or conditions under the PWFA can apply for and perform jobs without any RA or PAS, there are workplace barriers that keep others from the application process or from jobs they could perform with some form of RA and/or PAS.

**WHAT IS THE POLICY?** It is Army policy to provide RA and/or PAS to qualified individuals with disabilities who are employees or applicants for employment, unless doing so would cause undue hardship. Requests for RA and/or PAS will be promptly processed. Failure to do so may result in a violation of the governing laws. Applicants and employees who have requested RA or PAS will be kept informed of the status of their request. Requests for RA or PAS and all information associated with the requests are confidential and will only be shared with those involved with processing and providing the RA or PAS.

**WHAT IS RA?** In general, RA is any change in the work environment or in the way things are customarily done that enables a qualified individual with a disability to apply for a job, to perform the job duties, and to enjoy benefits and privileges of employment equivalent to those of other employees without disabilities.

**WHAT IS PAS?** PAS apply to employees with targeted (severe) disabilities who, because of their targeted disability, require assistance performing activities of daily living (ADL) to enable them to be at work or participate in work-related travel. ADLs are functions that an individual would typically perform without assistance if they did not have a disability. PAS include, but are not limited to, getting in and out of a vehicle, removing and putting on clothing, eating, and using the restroom. PAS are to be provided during work hours and job-related travel, provided (1) the employee requires such services because of a targeted disability; (2) provision of such services would, together with any RA required under the existing regulations enable the employee to perform the essential functions of his or her position; and (3) the provision of such services would not impose undue hardship on the agency.

**WHAT ARE TARGETED (SEVERE) DISABILITIES?** Targeted disabilities are a subset of the larger disability category. Office of Personnel Management Standard Form 256 lists targeted and non-targeted disabilities [https://www.opm.gov/forms/pdf\\_fill/sf256.pdf](https://www.opm.gov/forms/pdf_fill/sf256.pdf).

**WHAT ARE THE PROCEDURES TO REQUEST RA AND/OR PAS?** The procedures for requesting RA and/or PAS are essentially the same. The procedures are outlined in Army Regulation 690-12, Appendix C (Procedures for providing reasonable accommodation for individuals with disabilities) and DoDI 1020.06 (Establishing and Maintaining Comprehensive Reasonable Accommodation Policies and Programs). Job applicants will make their requests through the human resources representative managing the application process. Employee

requests for RA and/or PAS should be made to their supervisor who is usually the decision maker. The supervisor will work with the employee and the servicing Equal Employment Opportunity Office Disability Program Manager or Reasonable Accommodation Coordinator to determine eligibility under the governing laws. The supervisor will also obtain information from the employee necessary to understand the employee's limitations for which they are requesting reasonable accommodation. This is referred to as the interactive process, which begins with the initial request - whether made orally or in writing. Together, they will explore potentially effective RA and/or PAS that will enable the employee to perform their job duties in accordance with the required performance and conduct standards, and to enjoy the benefits and privileges of employment.

**WHAT IS UNDUE HARDSHIP?** In accordance with implementing regulations at 29 Code of Federal Regulations (CFR) Part 1630, undue hardship means, with respect to the provisions of an accommodation, significant difficulty or expense incurred, when considered in light of the overall financial resources of the agency, excluding those resources designated by statute for a specific purpose that does not include reasonable accommodation. An undue hardship determination is based on a case-by-case assessment and focuses on the resources and circumstances of the Army in relation to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial difficulty, but to accommodations that are unduly extensive, substantial, or disruptive, or that would fundamentally alter the nature of operations of the employer/Army organization.

**WHERE IS ADDITIONAL INFORMATION LOCATED?** Additional information is available at the following websites:

- Reasonable accommodation guidance on the Equal Employment Opportunity Commission (EEOC) website at <https://www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada>;
- Reasonable accommodation guidance under provisions of the PWFA on the EEOC website at <https://www.eeoc.gov/wysk/what-you-should-know-about-pregnant-workers-fairness-act>
- Personal Assistance Services guidance on the EEOC website at <https://www.eeoc.gov/laws/guidance/questions-answers-federal-agencies-obligation-provide-personal-assistance-services>;
- COVID-19 related guidance on the EEOC website at <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>;
- Information from the Job Accommodation Network, <https://askjan.org/>, and <https://askjan.org/publications/employers/employers-guide-hiring-process.cfm>;
- Information from the Department of Defense Computer/Electronic Accommodations Program, <https://www.cap.mil/>.

**Army Policy and Procedures on Reasonable Accommodation  
for Religious Reasons**

**WHY DO WE HAVE A POLICY?** Title VII of the Civil Rights Act of 1964 (“Title VII”) prohibits federal agency employment discrimination based on religion, to include failure or refusal to reasonably accommodate the religious practices (beliefs and observances) of employees and prospective employees.

**WHAT IS THE POLICY?** It is Army policy, in accordance with Title VII and the implementing regulations at 29 CFR Part 1605, to provide reasonable accommodation (RA) to job applicants and employees for religious reasons unless doing so would cause undue hardship (more than a minimal burden on operations).

**WHAT IS A RA FOR RELIGIOUS REASONS?** A RA for religious reasons is an exception to a rule or policy or an adjustment to a work schedule that enables an employee to abide by sincerely held religious beliefs and/or observe religious practices.

**WHAT ARE THE PROCEDURES TO REQUEST RA FOR RELIGIOUS REASONS?** The procedures for requesting RA for religious reasons are similar to those for requesting RA for disability. Employee requests for RA should be made to their supervisor, who will work with the employee and the servicing Equal Employment Opportunity Office, as needed, to identify and understand the conflict or limitations the employee’s working conditions impose on his or her religious observance(s). This interactive process begins with the initial request - whether made orally or in writing. Together, they will explore potentially effective RA that will remove the impediment and enable the employee to perform the essential functions of the job in accordance with the required performance and conduct standards.

**WHAT IS UNDUE HARDSHIP?** In the case of religious accommodations, undue hardship is shown when a burden is substantial in the overall context of an employer’s business/mission, considering all relevant factors in each particular case, including the particular accommodations at issue and their practical impact in light of the nature, size and operating cost of the organization. A religious accommodation may cause undue hardship if it is costly, compromises workplace safety, decreases workplace efficiency, infringes on the rights of other employees, or requires other employees to unwillingly do more than their share of potentially hazardous or burdensome work.

**WHERE IS ADDITIONAL INFORMATION LOCATED?** Additional information can be found in the guidance on the Equal Employment Opportunity Commission(EEOC) website <https://www.eeoc.gov/laws/guidance/what-you-should-know-workplace-religious-accommodation>.

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