



DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON RED CLOUD AND AREA I
UNIT #15707
APO AP 962258-5707

REPLY TO
ATTENTION OF:

IMRD-ZA

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: USAG Red Cloud and Area I Policy Memorandum #1-10, Reasonable Accommodations Requests and Procedures for Individuals with Disabilities

1. **PURPOSE:** This document provides guidance for submitting and processing requests for reasonable accommodations for individuals with disabilities. This policy is applicable to civilian employees and applicants for employment. This document outlines the roles and responsibilities of supervisors, civilian employees, and applicants for employment who submit reasonable accommodation requests. The objectives of this document are to:

a. Establish procedures to support the prompt, fair, and efficient processing of requests for reasonable accommodation.

b. Ensure employees and applicants for employment have full access to equal employment opportunities regardless of mental or physical disability.

c. Ensure representatives, i.e., family members, healthcare professionals are provided with a venue to request reasonable accommodations on behalf of employees and applicants for employment.

d. Ensure supervisors of civilian employees comply with the provisions of the Americans with Disabilities Act Amendments Act (Public Law 110-325) (ADAAA), effective 1 January 2009, amending the ADA of 1990 and the Rehabilitation Act, and expanding the definition of the term "disability."

e. Ensures leaders at all levels promote and provide the necessary resources for the reasonable accommodation process.

2. **APPLICABILITY:** These procedures apply to all Department of the Army appropriated or non-appropriated fund activities, their employees, and applicants for employment within the purview of USAG-Red Cloud and Area I. These procedures do not apply to uniformed members of the military, persons employed or applying for positions in the Army and Air Force Exchange (AAFES) System, Army National Guard technicians, uniformed members of the military working part-time for non-appropriated fund activities or AAFES. It also does not apply to non U.S. citizens.

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3. REFERENCES:

a. Reference memorandum, SAMR-ZA, 17 March 2009, Subject: US Army Procedures for Providing Reasonable Accommodation for Individuals with Disabilities.

b. Executive Order (EO) 13164, "Establishing Procedures to Facilitate the Provision of Reasonable Accommodation," 26 July 2000, requiring Federal agencies to establish written procedures for processing requests for reasonable accommodations. The EO also clarifies the requirement of the Rehabilitation Act of 1973 requiring agencies to provide reasonable accommodation to qualified employees and applicants for employment, (hereafter "requestor") with disabilities and provides a step-by-step explanation of the reasonable accommodation process. The EO allows each agency to design procedures that best suit its organizational needs, but requires that the basic guidelines of the EO be part of the procedures.

c. Section 504 of the Rehabilitation Act of 1973, as amended 29 U.S.C. § 794, prohibits discrimination on the basis of disability in programs conducted by Federal agencies, in programs receiving Federal financial assistance, in Federal employment, and in the employment practices of Federal contractors. The standards for determining employment discrimination under the Rehabilitation Act are the same as those used in Title I of the Americans with Disabilities Act.

d. The Americans with Disabilities Act (ADA) of 1990 is one of the first comprehensive civil right laws which prohibits discrimination against individuals with disabilities in employment, public services, telecommunications, and public accommodations. The Americans with Disabilities Act Amendments Act (ADAAA), effective 1 January 2009, amends both the ADA of 1990 and the Rehabilitation Act and broadens the definition of the term "disability."

e. Army Regulation 600-7, Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army, 15 December 1983. This regulation details the requirement for organizational facilities to conform with the laws on accessibility to federal buildings, programs, and activities.

4. REASONABLE ACCOMMODATION INTERACTIVE PROCESS:

a. Request for reasonable accommodations may be filed by an employee or applicant for employment for an adjustment in job duties or a change in the work environment, in the application process, or for a benefit or privilege of employment for a reason related to a medical condition. The request will be processed on a case-by-case basis and the outcome of each case, may vary depending on the facts and circumstances surrounding the accommodation request.

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b. A family member, healthcare professional, or other representative may request a reasonable accommodation on behalf of an individual seeking a reasonable accommodation. The initial request may be either verbal or written. The request does not have to be in a prescribed format or use any special words, such as “reasonable accommodation,” “disability,” or “Rehabilitation Act.”

c. The reasonable accommodation process begins as soon as the request for accommodation is made. If a verbal request is made processing should begin immediately, even if written confirmation has not been provided by the person desiring the reasonable accommodation.

d. The requestor must complete the Request for Reasonable Accommodation form (Form 51-1), in order to document a verbal request or to initiate a written request to his/her supervisor.

e. A reasonable accommodation request should be submitted to the first-line supervisor or alternatively to an EEO official by the requestor. The requestor should include proper medical documentation to facilitate timely and efficient processing of the reasonable accommodation request. When a request for reasonable accommodation is submitted to the first-line supervisor, the supervisor will forward a copy of the request to EEO for review and issuance of a tracking number. EEO will assign the reasonable accommodation request a control number and return the reasonable accommodation request to the immediate supervisor within one business day (24 hours) of receipt for processing.

f. Reasonable accommodation request must be considered on a case-by-case basis as the facts and circumstances may vary. A requestor who needs a specific type of reasonable accommodation on a repeated or regular basis (i.e., sign language interpreter) or for episodic conditions (i.e., asthma, cancer in remission) is only required to make the first request. However, appropriate notice must be given to the first line supervisor, each time an accommodation is needed.

g. In cases where the disability is obvious and the need for accommodation and type of accommodation required is clearly obvious, extensive discussions are not necessary. However, relevant issues should be discussed, with the goal of establishing and clarifying the roles and responsibilities of each individual involved in the accommodation request.

5. RESPONSIBILITIES:

a. Requestor:

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(1) May request a reasonable accommodation based on a disability, either orally or in writing to his/her supervisor. The reasonable accommodation process begins when the requestor informs his/her manager or supervisor in his/her immediate chain of command, the organization's servicing EEO Office, the Human Resources Office, or the Disability Program Manager.

(2) When the disability and/or need for accommodation is not obvious, the employee or applicant for employment may be asked to provide appropriate medical information regarding the functional impairment and/or limitations regarding the requested accommodation (Form 51-2: Medical Information Sheet).

(3) Applicants for employment should process request for reasonable accommodations through the Human Resources Specialist responsible for the recruitment action that generated the accommodation request.

(4) The requestor must submit a Request for Reasonable Accommodation Confirmation Form (Form 51-4) to his/her immediate supervisor, or the Area I, EEO Office. The EEO Office will assign a tracking number for the reasonable accommodation request and return it to the requestor's supervisor. In the case of an applicant for employment, the EEO Office will return the reasonable accommodation request to the human resource specialist responsible for processing the vacancy announcement.

b. First-line supervisor(s) should:

(1) Actively participate in the interactive process with the requestor.

(2) The time necessary to process a request for accommodation will generally depend on the nature of the accommodation requested and whether additional medical or supporting documentation is essential in processing the requested accommodation. Absent extenuating circumstances, the decision maker should take reasonable effort to grant, modified, or deny a request for accommodation within 30 business days from the date the accommodation was requested.

(3) Maintain meticulous records in order to document delays in processing a requested accommodation; and should the need arise be in a position to provide the requestor with written explanations for any significant delays in processing the accommodation request. Moreover, supervisors involved in processing the accommodation request should only request documentation considered relevant to processing the requested accommodation. (Form 51-3: Reasonable Accommodation Request Checklist).

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(4) Supervisors should collect information directly from the individual requesting the reasonable accommodation; especially in instances in which the information may affect the individual's rights, privileges, and employment benefits. Moreover, information pertaining to accommodation requests should only be disclosed to supervisors or managers who have an official need for the information as a consequence of their involvement in processing the requested accommodation.

(5) Appropriate administrative, technical, and physical safeguards must be followed to insure the security and confidentiality of request for reasonable accommodation records. Failure to properly safeguard sensitive information about an individual could result in substantial harm, embarrassment, inconvenience or unfairness to individuals and may subject the organization to additional risk.

(6) Maintain individual files regarding accommodation requests separate from official personnel files. Medical information must be kept confidential and should be maintained for the duration of the employee's tenure with the command. This will ensure that employees are not required to provide medical documentation previously submitted in conjunction with reasonable accommodation request.

(7) Attend RAP meetings to review and discuss requests with panel members.

c. Disability Program Manager or Equal Employment Opportunity (EEO) Official should:

(1) Refer any requests received by the EEO Office to the appropriate supervisor or decision maker. Confirm receipt of all accommodation requests using Form 51-4 (Request for Reasonable Accommodation Confirmation).

(2) Educate and provide information to management on the process for handling reasonable accommodation requests.

(3) Encourage first-line supervisors to communicate and engage in the interactive process with individuals requesting reasonable accommodations.

(4) Monitor and track requests for reasonable accommodation and serve as the chairperson and member of the RAP. Ensure minutes from meetings held are recorded and submitted to the EEO office NLT 2 business days from the last RAP meeting.

(5) Document and record all requests for reasonable accommodation for proper recordkeeping in addition to ensuring data collected during the interactive process is maintained for a minimum of three years from the month following the requestor's departure from his/her current overseas (Korea) tour.

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(6) EEO Officials will monitor and communicate recommendations based on panel discussions, but do not have the authority to make decisions on requests for reasonable accommodation. The Disability Program Manager does not advocate on behalf of the requestor or management.

(7) Provide employees with information regarding the reasonable accommodation process.

(8) Take proactive measures in searching and considering possible accommodations.

(9) Assist in processing request for adaptive devices, sign language interpreter, and removal of architectural barriers, accessible parking, and alternative methods (i.e., Braille, larger print).

6. MEDICAL DOCUMENTATION:

a. The requestor must submit supporting documentation with any request for reasonable accommodation, unless the medical condition or affects are obvious to all parties involved. The medical information should describe the nature of the job, essential functions the employee is expected to perform, and any other relevant information. The medical documentation must specify:

(1) Past, present, and expected continuing nature, severity and duration of the impairment, i.e., functional limitations, symptoms, side effects or any treatments, etc.

(2) Activities the impairment limits;

(3) Extent of the limitations; and

(4) Reason(s) the requestor requires reasonable accommodation, and how it will assist the requestor in performing the essential functions of the job, applying for employment or enjoying a benefit in the work environment.

b. The agency has the option of requesting additional supporting documentation if the information submitted does not clearly explain the nature or severity of the disability and the nexus between the accommodation requested and the medical condition affected. The request for additional medical documentation should be made in writing and require only information that is crucial to determining the need or lack thereof, for the accommodation requested.

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c. Medical documentation gathered in response to a reasonable accommodation request must be maintained, secured, and protected from unauthorized disclosure. Moreover, special care should be taken by supervisors, leaders and individuals acting on request for reasonable accommodations to avoid comingling medical documentation with official personnel files.

d. Medical documentation may not be required and or needed for obvious medical conditions. However, supporting medical documentation may be needed in situations where the effects of the medical condition on a major life activity, performance or essential functions of a job, or work environment are not obvious or readily determinable, supervisors should make a written request for additional medical information, through the individual requiring the reasonable accommodation by utilizing (Form 51-2: Medial Information Sheet).

e. Authorization for Disclosure of Medical or Dental Information (DD Form 2870) will be used to request medical records maintained at military Medical Treatment Facilities. The use and/or disclosure of an individuals' protected health information is necessary in order for the Disability Program Manager to process the reasonable accommodation request. The employee or applicant should check "OTHER," Block 7 of DD Form 2870 and write "reasonable accommodation request" in the space provided. In most cases, entire medical records may not be requested or furnished because they are likely to contain information unrelated to whether an employee or applicant can perform the essential job functions.

8. REASONABLE ACCOMMODATION PANEL (RAP):

a. The USAG-Red Cloud and Area I RAP will be established following the commander's approval and subsequent distribution of this policy to each directorate and activities supported by the Area I EEO Office. The panel will review requests for accommodations and provide management with available courses of actions on the accommodation request. The RAP will meet on an "as needed" basis and may include representatives from the EEO Office, Civilian Personnel Advisory Center (CPAC), Office of the Staff Judge Advocate (SJA), Occupational Health, and Directorate of Public Works (DPW).

b. Panel members will discuss and review each case to determine if the medical documentation provided is sufficient to support the requested accommodation. The panel will provide decision makers with available options, however, the final decision or action to be taken remains solely within the purview of the supervisory chain of command.

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c. Supervisors involved in processing requests for reasonable accommodation are invited to RAP meetings to review such requests and receive recommendations from the RAP. Supervisors will only attend the segment of the meeting that specifically deals with the request they received and are responsible for processing. Supervisors will not be privy to information or discussions involving accommodation request from employees or applicants for employments not within their supervisory channel.

9. ACTIONS ON REQUESTS FOR REASONABLE ACCOMMODATION:

a. The requestor must be notified in writing of the decision on his/her request for reasonable accommodation by his/her chain of command. The response memorandum must outline the basis for the initial request and the provisions for granting the request, if approved. The DPM will coordinate, as needed, with the servicing agency attorney/ labor counselor prior to providing the decision maker with any recommendations in connection with a request for accommodation. Legal reviews must be conducted for all proposed reasonable accommodation denials.

b. If the reasonable accommodation is granted, the agency must make the necessary provisions to provide the reasonable accommodation requested. There may be some limitations or restrictions based on the agency's mission and requirements and the requestor will be properly advised of any adjustments or revisions.

c. A reassignment is the accommodation of last resort. A reassignment may be considered if no other accommodations are available to enable the employee to perform his/her current job, or if the only effective accommodation would cause undue hardship. However, the employee must be "qualified" for any new position and the following should be considered:

(1) If positions are available, the supervisor will work with CPAC to identify all vacant positions within the agency for which the employee may be qualified, with or without the accommodation; and

(2) The agency will first consider positions which are equivalent to the employee's current job in terms of pay, status, and other relevant factors. If there are no such vacant equivalent positions, the agency will consider vacant lower level positions for which the requestor is qualified.

(3) If there is a vacant position outside of the employee's commuting area, and if the employee is willing to relocate, the agency is not obligated to pay for the employee's relocation.

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d. If management denies a request for reasonable accommodation, the requestor may file for reconsideration and provide additional supporting medical documentation; or pursue an EEO complaint, a Merit Systems Protection Board (MSPB) appeal or utilize the negotiated grievance procedures:

(1) For an EEO complaint pursuant to 29 C.F.R. § 1614, contact an EEO Official within 45 calendar days from receipt of the notice of denial of the reasonable accommodation request;

(2) For an MSPS appeal, initiate an appeal to the MSPB within 30 calendar days of an appealable adverse action as defined in 5 CFR § 1201.3; and

(3) For the negotiated grievance procedure, file a grievance in accordance with the provisions of the local, applicable collective bargaining agreement.

e. When a reasonable accommodation cannot be granted due to inadequate medical documentation to substantiate the request, management may consider granting an “agency allowance” depending on the unique circumstances of the request. An agency allowance is temporary in duration and may be altered or revoked based on the mission requirements of the agency.

10. The point of contact is Ms. Khalilah Ameen, EEO Manager, USAG Red Cloud and Area I, DSN (315) 732-6273, khalilah.o.ameen.civ@mail.mil.

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