



**United States Army Garrison - Stuttgart
Procedures and Guidelines For
Providing Reasonable Accommodation
For Individuals with Disabilities**

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INTRODUCTION

United States Army Garrison – Stuttgart (USAG-Stuttgart) Procedures and Guidelines for Providing Reasonable Accommodation (RA) For Individuals with Disabilities (IWD), clarifies the rights and responsibilities of employers and individuals with disabilities regarding reasonable accommodation and undue hardship. Title I of the ADA requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, except when such accommodation would cause an undue hardship. USAG-Stuttgart's Procedures and Guidelines for Providing Reasonable Accommodation (RA) For Individuals with Disabilities (IWD), sets forth this Command's legal obligations regarding reasonable accommodation.

USAG-Stuttgart's Procedures and Guidelines for Providing Reasonable Accommodation (RA) For Individuals with Disabilities (IWD)¹ examine what "reasonable accommodation" means and who is entitled to receive it. The guidance addresses what constitutes a request for reasonable accommodation, the form and substance of the request, and an employer's ability to ask questions and seek documentation after a request has been made.

These procedures and guidance were adapted in accordance with the Equal Employment Opportunity Commission's (EEOC) Policy Guidance on Executive Order 13164: establishing Procedures to Facilitate the Provision of Reasonable Accommodation, 20 October 2000.

¹ USAG-Stuttgart's Procedures and Guidelines for Providing Reasonable Accommodation (RA) For Individuals with Disabilities (IWD) were revised to include changes in the Americans with Disabilities Amendment Act of 2008 effective 1 January 2009.

GENERAL PRINCIPLES

Reasonable Accommodation

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

"(i) modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or

(ii) modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or

(iii) modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities."

The duty to provide reasonable accommodation is a fundamental statutory requirement because of the nature of discrimination faced by individuals with disabilities. Although many individuals with disabilities can apply for and perform jobs without any reasonable accommodations, there are workplace barriers that keep others from performing jobs which they could do with some form of accommodation. These barriers may be physical obstacles (such as inaccessible facilities or equipment), or they may be procedures or rules (such as rules concerning when work is performed, when breaks are taken, or how essential or marginal functions are performed). Reasonable accommodation removes workplace barriers for individuals with disabilities.

Reasonable accommodation is available to qualified applicants and employees with disabilities. Reasonable accommodations must be provided to qualified employees regardless of whether they work part-time or full-time, or are considered "probationary." Generally, the individual with a disability must inform the employer that an accommodation is needed.

There are a number of possible reasonable accommodations that an employer may have to provide in connection with modifications to the work environment or adjustments in how and when a job is performed. These include:

- making existing facilities accessible;
- job restructuring;
- part-time or modified work schedules;
- acquiring or modifying equipment;
- changing tests, training materials, or policies;
- providing qualified readers or interpreters; and
- reassignment to a vacant position.

A modification or adjustment is "reasonable" if it "seems reasonable on its face", this means it is "reasonable" if it appears to be "feasible" or "plausible." An accommodation also must be effective in meeting the needs of the individual. In the context of job performance, this means that a reasonable accommodation enables the individual to perform the essential functions of the position. Similarly, a reasonable accommodation enables an applicant with a disability to have an equal opportunity to participate in the application process and to be considered for a job. Finally, a reasonable accommodation allows an employee with a disability an equal opportunity to enjoy the benefits and privileges of employment that employees without disabilities enjoy.

An employer does not have to provide as reasonable accommodations personal use items needed in accomplishing daily activities both on and off the job. Thus, an employer is not required to provide an employee with a prosthetic limb, a wheelchair, eyeglasses, hearing aids, or similar devices if they are also needed off the job. Furthermore, an employer is not required to provide personal use amenities, such as a hot pot or refrigerator, if those items are not provided to employees without disabilities. However, items that might otherwise be considered personal may be required as reasonable accommodations where they are specifically designed or required to meet job-related rather than personal needs.

Undue Hardship

The only statutory limitation on an employer's obligation to provide "reasonable accommodation" is that no such change or modification is required if it would cause "undue hardship" to the employer. "Undue hardship" means significant difficulty or expense and focuses on the resources and circumstances of the particular employer in relationship to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business. An employer must assess on a case-by-case basis whether a particular reasonable accommodation would cause undue hardship. The ADA's "undue hardship" standard is different from that applied by courts under Title VII of the Civil Rights Act of 1964 for religious accommodation.

EXAMPLES

Example A: An employee with a hearing disability must be able to contact the public by telephone. The employee proposes that he use a TTY to call a relay service operator who can then place the telephone call and relay the conversation between the parties. This is "reasonable" because a TTY is a common device used to facilitate communication between hearing and hearing-impaired individuals. Moreover, it would be effective in enabling the employee to perform his job.

Example B: A cashier easily becomes fatigued because of lupus and, as a result, has difficulty making it through her shift. The employee requests a stool because sitting greatly reduces the fatigue. This accommodation is reasonable because it is a common-sense solution to remove a workplace barrier being required to stand when the job can be effectively performed sitting down. This "reasonable" accommodation is effective because it addresses the employee's fatigue and enables her to perform her job.

Example C: A cleaning company rotates its staff to different floors on a monthly basis. One crew member has a psychiatric disability. While his mental illness does not affect his ability to perform the various cleaning functions, it does make it difficult to adjust to alterations in his daily routine. The employee has had significant difficulty adjusting to the monthly changes in floor assignments. He asks for a reasonable accommodation and proposes three options: staying on one floor permanently, staying on one floor for two months and then rotating, or allowing a transition period to adjust to a change in floor assignments. These accommodations are reasonable because they appear to be feasible solutions to this employee's problems dealing with changes to his routine. They also appear to be effective because they would enable him to perform his cleaning duties.



DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON - STUTTGART
UNIT 30401
APO AE 09107-0401

United States Army Garrison – Stuttgart (USAG-STU)
Procedures and Guidelines
For Providing Reasonable Accommodations
For Individuals with Disabilities

1. **PURPOSE.** This guidance describes policies and procedures and establishes responsibilities for ALL United States Army Garrison – Stuttgart (USAG –Stuttgart) activities in the area of 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, and

c. Ensure that civilian and military managers and supervisors comply with the provisions of the Rehabilitation Act of 1973, the Americans with Disabilities Act ADA of 1990, and the Americans with Disabilities Amendment Act (ADAAA) of 2008.

2. **REFERENCES.**

a. The Equal Employment Opportunity Commission (EEOC) Notice dated 17 Oct 02, "EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act", to supersede the guidance issued by the Commission on 1 Mar 99.

b. Executive Order (E.O.) 13164, "Establishing Procedures to Facilitate the Provision of Reasonable Accommodation," dated 26 Jul 00, requires Federal agencies to establish written procedures for processing requests for RA. The E.O. also clarifies the requirement of the Rehabilitation Act of 1973 to provide RA to qualified employees and applicants with disabilities.

c. The Equal Employment Opportunity Commission (EEOC), on 20 Oct 00, 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.

Notably, the E.O. 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.

d. AR 600-7, Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army, dated 15 Dec 83. This regulation details the requirement for an organization's own facilities to conform to the laws on accessibility to Federal buildings, programs, and activities.

e. The Americans with Disabilities Act of 1990 initially did not apply to federal employees. However, in 1992 Congress amended the Rehabilitation Act of 1973, incorporating the employment provisions of the Americans with Disabilities Act of 1990 (ADA) into the Rehabilitation Act, in order to promote consistent application of the two laws.

3. KEY TERMS.

Disability: Having a physical or mental impairment the substantially limits one or more major life activities; having a record of such impairment; or being regarded as having such an impairment.

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 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/her ability to perform it.

Extenuating circumstances: Factors that could not reasonably have been anticipated or avoided in relation to the request for the RA.

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

Major life activities: Expanded to include "major bodily functions."

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major Bodily Functions include, but are not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions

Mitigating measures: whether a person with a correctable condition has a disability under the first “prong” of the ADA (a physical or mental impairment that substantially limits a major life activity), the effects of the person’s corrective measure (e.g. eyeglasses, medication) must be considered¹.

“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 RA.

Reasonable accommodation²: 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. There are three general categories of RA:

- modifications or adjustments to a job application process to permit an individual with a disability to be considered for a job (e.g., providing application forms in alternative formats like large print or Braille);
- modifications or adjustments necessary to enable a qualified individual with a disability to perform the essential functions of the job (e.g., providing sign language interpreters, special computer keyboards, or voice amplification devices); and
- modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment (e.g., removing physical barriers in an office).

Regarded as: To satisfy the “regarded as” standard an individual need only show that he or she has been subjected to an action prohibited under the statute (e.g., termination; failure to hire) because of an actual or perceived impairment (an impairment must not be one that is “transitory and minor”).

Transitory impairment: an impairment with an “actual or expected duration of 6 months or less.”

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

¹ Mitigating measures under the ADAAA of 2008 will not be considered except for ameliorative of the mitigating measures of ordinary glasses or contact lenses.

² The Amendments Act did not change the definition of reasonable accommodation, but clarified that only individuals who meet the first (actual disability) or second (record of a disability) parts of the definition are entitled to accommodations; individuals who meet the third part (regarded as) are not entitled to accommodations.

4. BARGAINING UNIT NOTIFICATION REQUIREMENTS. Activities are required to meet their statutory and contractual labor relations obligations to unions when implementing any policy regarding RA.

5. POLICY. The policy of USAG – Stuttgart is to assure that individuals with disabilities (i.e., employees and applicants for employment) are provided with reasonable accommodations, whenever possible, in the workplace and in employment-related situations.

a. Requests for RA will be processed in a timely manner in accordance with these procedures.

b. RA requests could be submitted to the EEO office as well as any manager or first line supervisor in the requester's chain of command.

c. Agency officials must begin processing oral requests for RA immediately, even if the employee has not yet submitted a written confirmation.

d. An individual may submit a request for RA at any time.

6. RESPONSIBILITIES.

a. Commanders at all levels will:

(1) Promote the RA process.

(2) Provide necessary resources to support the RA process.

b. Management officials/first-level supervisors will:

(1) Assure employees with disabilities are aware of their right to request RA because of a medical condition. This may necessitate providing information in alternative formats, such as large print, Braille, or electronic diskette (on request). Other alternatives will be made available so the RA procedures are accessible for individuals with particular disabilities.

(2) Review RA requests received from employees.

(3) Consider and approve RA requests, whenever possible.

c. Servicing Equal Employment Opportunity (EEO) Officers will:

(1) As the proponent for the Program for Individuals with Disabilities (PIWD), coordinate on all RA requests.

(2) Track and report on RA requests in the annual Individuals with Disabilities (IWD) Affirmative Employment Program (AEP) Plan.

d. Civilian Personnel Advisory Center and NAF Human Resources Office staff will:

(1) Review RA requests received from applicants for employment.

(2) Consider and approve RA requests for applicants, whenever possible.

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

7. THE REASONABLE ACCOMMODATION PROCESS.

a. An employee or job applicant may initiate a request for RA orally or in writing. The employee will be asked to complete an RA request form for record keeping purposes (Appendix A). However, a person's oral or written request starts the RA process. When an individual with a disability requests assistance in completing the RA request form, the activity must provide that assistance.

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 requester does not have to use any particular words or cite the Rehabilitation Act of 1973 or even use the term "reasonable accommodation". For example, it is sufficient for a vision-impaired person to ask for assistance with certain work-related materials. Or, for a person to state that he/she is having a problem with an established tour of duty because of new medication.

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

d. First-line supervisors will consider and approve requests for RA, whenever possible. Each RA 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 RA requests, especially if an urgent situation exists. Where the requested RA is simple and straightforward and there is no question of undue hardship to the Army, processing of the RA request should not exceed thirty (30) days from the date the manager/first line supervisor receives the request. If there are extenuating circumstances that will preclude providing the requested RA within 30 days, the requester will be notified of the reason for the delay and will be provided the anticipated completion date in writing.

e. Information on the type of RA and the date the RA is provided will be documented and filed with the RA request form.

8. MEDICAL INFORMATION.

a. If the disability and/or need for accommodation are not obvious or already known by the employer, employee or applicants for employment must provide relevant medical information related to the disability (being reviewed) and the requested accommodation. When the agency requests appropriate medical documentation, all times for processing the request will halt until the requester provides the requested documentation.

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 RA, or

(2) Does not clarify how the RA 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 may not be requested where:

(1) Both the disability and the need for RA 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 his/her functional limitations.

e. The Rehabilitation Act also requires that all medical information be kept confidential. If necessary, medical information may only 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 RA request data, these records should be filed separately from official personnel files or the personnel files maintained in most offices.

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 RA in item 3 "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 RA.

c. Reassignment must be considered, absent undue hardship to the organization, for an employee who, because of a disability can no longer perform the essential functions of his/her job with or without RA. Reassignment may be made only to a vacant position. The law does not require that agencies create new positions or move other employees from their jobs in order to create a vacancy. If the employee is qualified for the vacant position, he/she should be reassigned to the vacant position as a RA and should not have to compete for the position.

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

10. PROCESSING REQUESTS FOR ACCOMMODATION. Army officials must begin processing a request for RA as soon as it is received or when they become aware of a requirement for the RA. Failure to initiate the processing of an oral request may result in undue delay in providing RA in violation of the Rehabilitation Act. Officials should not wait for receipt of an official form to begin the steps to address the request which starts the interactive process described as follows:

a. The staff member who receives the request, if not the decision maker, must:

(1) Clarify the request and record the date the RA request was submitted.

(2) Forward the request to the appropriate official within three (3) days of receipt, with a copy of the referral to the disability program manager, and/or EEO office.

(3) Promptly notify the requestor that his/her request was referred to the management official.

(4) In the event the primary decision maker, (management official/first line supervisor) is not available, the request will be forwarded to next higher level official in the requestor's chain of command.

b. As soon as the request is received by the decision maker, he/she will:

(1) Acknowledge the request;

(2) Explain to the applicant or employee who submitted the request that she/he will be making the decision on the request;

(3) Clarify any discrepancies or issues that are not clearly stated.

(4) Describe what will happen in the processing of the request.

c. After the request is granted by the agency, the manager/first line supervisor who grants the request is also responsible to follow through and make any necessary

arrangements to ensure that the accommodations are provided within the applicable time limit.

11. DENIALS OF REASONABLE ACCOMMODATION.

a. When a request for RA is denied, the requester must be notified in writing and the reasons for denial properly and clearly stated. The denial should be written in plain language, 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 RA is denied, but an alternate RA is offered, the notice should explain the specific reason(s) for the denial and the reason that another accommodation is considered to be a good alternative.

c. The notice must also include an explanation of the informal procedures available for a review of the denial action, the individual's right to file an EEO complaint and to invoke other statutory processes. Individuals should be encouraged to first discuss the denial with the person who denied the request (the deciding official). If the requester is not satisfied with the response, he/she would then have the opportunity to appeal the denial action to others in the deciding official's chain of command. If the matter has still not been resolved to the requester's satisfaction, he/she will have the opportunity to proceed under an Alternative Dispute Resolution (ADR) process. The ADR process recommended for use in EA is mediation. The individual challenging the denial of a RA request may participate in mediation without having to file an EEO complaint.

d. In addition to stating the denial in writing, manager/first line supervisors and other decision makers must use the "Denial of Reasonable Accommodation Request" form (Attachment C). In addition to the check list, manager/first line supervisors and other decision makers must provide a detailed narrative of why accommodations would be ineffective or cause undue hardship.

e. Manager/first line supervisors and other decision makers should consult with the Disability Program manager and/or the EEO Director prior to denying an accommodation request.

12. INFORMATION TRACKING.

Executive Order 13164 requires agencies to establish a record tracking system that documents RA requests and maintains the confidentiality of medical information received IAW applicable laws and regulations. After a RA request is granted or denied, the decision maker will complete a Reasonable Accommodation (RA) Information Report (Attachment D).

a. The agency must identify the following information:

- (1) The number of RA, by type that have been requested for the application process and whether those requests have been granted or denied;
- (2) The jobs (occupational series grade level, and agency component) for which the reasonable accommodations have been requested;
- (3) The types of RA requested for each of those jobs;
- (4) The number and types of RA for each job, by agency component, that have been approved, and the number and types that have been denied;
- (5) The number and types of RA 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 RA;
- (7) The amount of time taken to process each request for RA; and
- (8) The sources of technical assistance that have been consulted in trying to identify possible RAs.

b. Agencies should maintain tracking information for as long as is necessary to serve the purposes of their RA programs. These records should be divided into two (2) categories:

- (1) Records related to a particular individual who requested RA for the duration of his/her tenure to ensure the individual is not asked to provide medical information already provided. These records will include any documentation of the individual's disability or need for RA, as well as information about the disposition of that individual's accommodation request.

- (2) Information or any cumulative records will be retained for a period of at least three (3) years. This information will be used to assess whether an agency has adequately processed and provided RA.

c. The Disability Program Manager will be responsible for maintaining and analyzing the collected information to measure the performance of the RA program, determine the areas that require further training or revisions of the procedures, and hold decision makers accountable.

13. INFORMAL DISPUTE RESOLUTION.

Agencies should encourage the use of informal Alternative Dispute Resolution (ADR) processes that allow individuals with disabilities to obtain prompt reconsideration of denials of reasonable accommodation. An ADR process must be accessible to individuals with disabilities. Such employer-provided dispute resolution mechanisms are a benefit or a privilege of employment for those employees eligible to participate, and as such the employer may be obligated to provide reasonable accommodation if requested

for the ADR process itself. *Accommodating Mediation Participants with Disabilities* (Appendix G) provides some FAQ's addressing situations in which reasonable accommodations may be necessary to make the mediation process accessible to individuals with disabilities.

14. ADOPTION, DISSEMINATION AND TRAINING.

Since maintaining a model EEO program under EEOC Management Directive 715 requires adoption and dissemination for complete RA procedures, an agency that has failed to do so is not in compliance with the Management Directive. Agencies must take all the necessary steps to ensure that the RA procedures and any supplementary forms are properly distributed and readily available to all employees and applicants for employment, and to provide the proper education and training on each step of the procedures and the relevant Rehabilitation Act provisions³.

15. CONCLUSION.

Written procedures are an excellent tool for managing the RA process and ensuring compliance with Section 501 of the Rehabilitation Act. Development of the RA procedures pursuant to E.O. 13164 is an ongoing process, in which the agencies will learn through applied methods and experience what revisions and modifications may be useful, and occasionally update their existing procedures. In addition, the E.O. requires that any future changes or modifications to the RA procedures be submitted to the EEOC at the time the modifications or changes are adopted.

³ Source – This document has been adapted IAW EEOC's "Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation."

APPENDIX A

CONFIRMATION OF REQUEST FOR REASONABLE ACCOMMODATION (RA)

Before completing and submitting this form, please read the following Privacy Act Statement

PRIVACY ACT STATEMENT

The Army is authorized to collect the information by Section 501 of the Rehabilitation Act of 1973, 29 USC 791. The information provided by you will be used primarily to facilitate the processing of your request. Furnishing of the requested information and documentation is voluntary. However, failure to fully complete this form or provide the necessary information may result in either a delay of the needed accommodation or the denial of your request.

1. I am a person with a disability who is requesting a reasonable accommodation under the Rehabilitation Act of 1973, as amended. I am requesting accommodations because I have the medical condition(s) described below.

Condition(s): (Describe condition(s) for which accommodation(s) is/are needed)

Situation or Job Task(s): (Describe the current employment situation, i.e., job tasks, employment practice, or workplace barrier that keeps you from performing essential job functions or from receiving equal benefits and privileges of employment.)

Accommodation(s) Requested: (Identify suggested accommodation(s) or state if possible accommodations are not known. Provide recommendations for alternative accommodation(s) where possible.)

2. Employee/Applicant/Requester:

Typed/Printed Name and Office/Work Unit _____

Position Title, Series & Grade _____

Work Phone Number _____ Home Phone Number _____

Signature _____ Date _____

Note: If the requesting employee/applicant is unable to sign (e.g., in hospital, blind, etc.) a representative will "sign for" on this line.

APPENDIX B

REASONABLE ACCOMMODATION (RA) REQUEST CHECKLIST (Page 1 of 5)
(For management's use in processing employee requests)

Warning: Information contained in this document is protected by the Privacy Act (5 USC 552a)

In accordance with the Act:

- (1) Only information about the individual that is relevant and necessary to accomplish the purpose of determining and evaluating a request for RA should be requested; 5 USC 552a(e)(1);
- (2) Information should be collected directly from the individual requesting the RA, particularly when the information may result in sensitive determinations about the individual's rights, benefits, and privileges that include possible RA (5 USC 552a(e)(2);
- (3) Appropriate administrative, technical and physical safeguards must be followed to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity. Not safeguarding sensitive information appropriately could result in substantial harm, embarrassment, inconvenience or unfairness to any individual on whom information is maintained; 5 USC 522a(e)(10).

1. INDIVIDUAL INFORMATION

Applicant/Employee Name (Last, First, MI)	Applicant or Employee (circle one)
_____	Phone Number _____
Pay Plan, Series, Grade	Email _____
_____	Employee's Organization
Job Title	_____
_____	_____

2. If someone other than the person named in 1.d. above is making the request, provide name/address/phone number and relationship of person making the request.

Name _____	Relationship _____
Address _____	
Phone Number _____	Email Address _____

3. Request for accommodation:

a. Written? Yes _____ (attach copy)	No _____
b. Oral? Yes _____ (attach supervisor's documentation)	No _____

REASONABLE ACCOMMODATION (RA) REQUEST CHECKLIST (Page 2 of 5)
(For management's use in processing employee requests)

4. Disclosures

a. Did employee receive a copy of **DA Form 5006** (Authorization for Disclosure of Information)

Yes _____ No _____

b. Did employee receive a copy of **Privacy Act Statement**?

Yes _____ No _____

5. Employee's stated accommodation:

a. What is the nature of the disability?

b. Is the disability and need for accommodation obvious? Yes _____ No _____

c. Has employee provided medical information relative to stated disability in the past?

Yes _____ Date Received _____ No _____

d. If the answer to both 2b and 2c is "no," coordinate with the EEOO and request medical documentation from employee:

Date coordinated with EEO Office _____

Date medical information requested _____

Date received by Medical Officer _____

Date final coordination completed _____

6. Meeting with employee:

a. Is a meeting needed to clarify needs? Yes _____ No _____

b. Coordinated with CPAC before meeting with employee to determine obligation to invite bargaining unit representative?

Yes _____ No _____ Date of meeting _____

REASONABLE ACCOMMODATION (RA) REQUEST CHECKLIST (Page 3 of 5)
(For management's use in processing employee requests)

c. Narrative describing discussion with employee (discussion may include, but is not necessarily limited to topics such as: How does the current work situation impact on the employee's ability to perform job duties? Which job duties are affected? Are any of the duties impacted considered essential elements of the employee's position? If so, can accommodations be made to enable the employee to perform these tasks? Describe these accommodations; is there more than one accommodation that would allow the employee to perform the essential elements of his/her position?)

d. List possible accommodations:

7. Coordination with EEO Office: Date of meeting: _____

8. Narrative describing discussion (topics of this discussion may include, but are not necessarily limited to):

a. Does the employee have a physical or mental disability that substantially limits one or more of the major life activities? Which, if any, of the accommodations being discussed are available/reasonable? Is there a need to consult with a resource outside the agency, e.g., Computer Electronic Accommodations Program (CAP) officials, who has control over the resources?

b. Who will make the decision?

c. Must the Union be notified before implementing an accommodation?

REASONABLE ACCOMMODATION (RA) REQUEST CHECKLIST (Page 4 of 5)
(For management's use in processing employee requests)

9. Alternative Actions/Accommodations Recommendations:

10. Alternative actions/accommodations:

Are any of the listed accommodations an undue hardship* on the agency (a determination of undue hardship should be based on several factors, including: the nature and cost of accommodation needed; the overall financial resources of the activity making RA; the numbers of persons employed by the activity making the RA; the overall financial resources, size, number of employees, and type of location of facilities of the employer [if facility involved in the RA is part of a larger entity], the type of operation of the employer, including the structure of functions of the workforce, the geographic separateness and the administrative or fiscal relationship of the facility involved in making the accommodation to the employer, the impact of the accommodation on the operation of the facility)? If so, explain:

NOTE: *Generalized conclusions will not suffice to support a claim of undue hardship. Undue hardship must be based on an individualized assessment of current circumstances that show a specific reason accommodation would cause significant difficulty or expense to the Army.)

11. Accommodations chosen, if any (explain reason for choice)

REASONABLE ACCOMMODATION (RA) REQUEST CHECKLIST (Page 5 of 5)
(For management's use in processing employee requests)

12. Coordination:

a. Other organizational elements, as applicable, i.e., EEO, Occupational Health Specialist, CAP, CPAC, etc. (If any of the possible accommodations require resources, which are outside the control of the supervisor, facilities and fiscal managers should be included.)

b. Effective date for the RA: _____

13. Denial of Request for RA

If Request for RA is Denied

Date denial letter coordinated with EEO Officer _____

Date denial letter coordinated with Legal Advisor _____

Date denial letter issued _____

Reason for Denial

Date Department of the Army Disabilities Program Director notified _____

Note: Refer to Section 11, DENIALS OF REASONABLE ACCOMMODATION of "United States Army Garrison – Stuttgart Procedures and Guidelines For Providing Reasonable Accommodations For Individuals with Disabilities."

APPENDIX C

DENIAL OF REASONABLE ACCOMMODATION (RA) REQUEST (Page 1 of 2)

1. Individual Requesting RA: _____

2. Type (s) of RA requested: _____

3. Request for RA denied because (may check more than one box):

- _____ Accommodation Ineffective
- _____ Accommodation would cause undue hardship
- _____ Medical documentation Inadequate
- _____ Accommodation would require removal of essential function
- _____ Accommodation would require lowering of performance or production standard
- _____ Other (please identify) _____

4. Detail reason (s) for the denial of RA (must be specific, i.e. why accommodation is ineffective or causes undue hardship):

5. If the individual proposed one type of RA which is being denied, but rejected an offer of a different type of RA, explain both of the reasons for denial of the RA and why you believe the chosen or suggested accommodation would be effective.

If an individual wishes to **request reconsideration** of this decision, she/he may take the following steps:

- First, ask the decision maker to reconsider her/his denial. Additional information may be presented to document this request.
- If the decision maker does not reverse the denial, and the decision maker was the:

APPENDIX C

DENIAL OF REASONABLE ACCOMMODATION (RA) REQUEST (Page 2 of 2)

- Individual's supervisor, the individual can ask the Office/Unit Director to do so.
- Office/Unit Director, the individual can ask the Disability Program Manager to do so.
- Disability Program Manager, the individual can ask the official designated by the Director of the Equal Employment Opportunity Office to do so.

6. If a Federal applicant or employee wishes to file an EEO complaint, or pursue Merit System Protection Board (MSPB) and union grievance procedures, she/he must take the following steps:

- For an EEO complaint pursuant to 29 C.F.R. 1614, contact the Equal Employment Opportunity office within **45 calendar days from the date of this notice of denial of RA;** or
- For a collective bargaining claim, file a written grievance with the provisions of the Collective Bargaining Agreement; or
- Initiate an appeal to the MSPB within **30 days of an appealable** adverse action as defined in 5 C.F.R. § 1201.3.

Printed/Type Name
Signature of Deciding Official

Date RA Denied

ATTACHMENT D

REASONABLE ACCOMMODATION INFORMATION REPORTING FORM (Page 1 of 2)

To be completed by manager or first line supervisor who processed the accommodation request. Submit to the Disability Program Manager (EEO Office); use additional sheets if necessary).

1. Reasonable accommodation: (check one)

Approved

Denied (Attach copy of the written denial letter/memo sent to individual)

2. Date reasonable accommodation requested: _____

3. Who received request: _____

4. Date RA request referred to decision maker (i.e., supervisor, Office Director, Disability Program Manager): _____

5. Name and position of decision maker: _____

6. Date RA approved or denied: _____

7. Date RA provided (if different from date approved): _____

8. If time frames outlined in the RA Procedures were not met, explain why: _____

9. Job held or desired by individual requesting RA (including occupational series, grade level, and office): _____

10. RA needed for (check one):

Application Process

Performing Job Functions or Accessing the Work Environment

Accessing a Benefit or Privilege of Employment (e.g., attending a training program or social event)

11. Type(s) of RA requested (i.e., adaptive equipment, staff assistant, removal of architectural barrier): _____

12. Type(s) of reasonable accommodation provided (if different from what was requested): _____

13. Was medical information required to process this request? If yes, explain why. _____

ATTACHMENT D
REASONABLE ACCOMMODATION INFORMATION REPORTING FORM (Page 2 of 2)

14. Sources of technical assistance, if any, consulted in trying to identify possible reasonable accommodations (e.g., Job Accommodation Network, disability organization, Disability Program Manager): _____

15. Comments: _____

Submitted by:

Name: _____

Organization: _____

Telephone Number: _____

Email Address: _____

APPENDIX E

Selected RA Resources

OFFICER, US ARMY GARRISON STUTTGART EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

USAG-Stuttgart Equal Employment Opportunity Office
Building 2307, Room # 205
Patch Barracks
Stuttgart, Germany
DSN: (314) 431-3083
COMM: (49)-7031-15-3083
Email: steven.matkowsky@eur.army.mil

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

1801 L Street, N.W.
Washington, D.C. 20507
PHONE: (202) 663-4900
TTY: (202) 663-4494
Web site: <http://www.eeoc.gov>

EQUAL EMPLOYMENT OPPORTUNITY AND CIVIL RIGHTS OFFICE

Office of Deputy Assistant Secretary of the Army (Manpower & Reserve Affairs)
ATTN: Ms. Erni Moya, Director, Program for Individuals with Disabilities (PIWD)
1901 S. Bell Street, CM 4, Suite 207
Arlington, VA 22202-4508
PHONE: (703) 607-1977
FAX: (703) 607-0084
Web site: <http://eeoa.army.pentagon.mil>

COMPUTER/ELECTRONIC ACCOMMODATIONS PROGRAM TECHNOLOGY EVALUATION CENTER (CAPTEC)

The Pentagon
Room 2A259
(703) 693-5160 (Voice)
(703) 693-6189 (TTY)
E-Mail: captec@tma.osd.mil or
Web site: <http://www.tricare.osd.mil/cap>

JOB ACCOMMODATION NETWORK (JAN)

Job Accommodation Network
PO Box 6080
Morgantown, WV 26506-6080
PHONE: 800-526-7234 (V/TTY) in the United States
800-ADA-WORK (V/TTY) in the United States
304-293-7186 (V/TTY) Worldwide
Web site: <http://www.jan.wvu.edu/links>

[DISABILITYINFO.GOV](http://disabilityinfo.gov)

User-friendly web-site containing links with information of interest to people with disabilities.

APPENDIX F

SELECTED ENFORCEMENT GUIDANCES AND RELATED DOCUMENTS

Revised Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act Updated October 2002

The Commission has re-issued the Guidance on Reasonable Accommodation and Undue Hardship to reflect a recent Supreme Court decision, *US Airways, Inc. v. Barnett*. The cover page of the Guidance notes where the major changes in the document are to be found. This revised version replaces the 3/1/99 Guidance.

See also: ADA Technical Assistance Manual: Addendum October, 2002

See also: Small Employers and Reasonable Accommodation March, 1999

Enforcement Guidance: Application Of The ADA To Contingent Workers Placed By Temporary Agencies And Other Staffing Firms December, 2000

See also: Questions and Answers: Enforcement Guidance: Application of the ADA to Contingent Workers Placed by Temporary Agencies and Other Staffing Firms

Policy Guidance On Executive Order 13164: Establishing Procedures To Facilitate The Provision Of Reasonable Accommodation October, 2000

See also: Questions and Answers: Policy Guidance On Executive Order 13164: Establishing Procedures To Facilitate The Provision Of Reasonable Accommodation

Policy Guidance on Executive Order 13145: To Prohibit Discrimination in Federal Employment Based on Genetic Information July, 2000

See also: Questions and Answers: Policy Guidance on Executive Order 13145: To Prohibit Discrimination in Federal Employment Based on Genetic Information July, 2000

Enforcement Guidance on Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act (ADA) July, 2000

See also: Questions and Answers: Enforcement Guidance on Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act (ADA)

EEOC Enforcement Guidance on the Americans with Disabilities Act and Psychiatric Disabilities March, 1997

EEOC Enforcement Guidance on the Effect of Representations Made in Applications for Benefits on the Determination of Whether a Person Is a "Qualified Individual with a Disability" Under the Americans with Disabilities Act of 1990 (ADA) February, 1997

EEOC Enforcement Guidance: Workers' Compensation and the ADA September, 1996

ADA Enforcement Guidance: Pre-employment Disability-Related Questions and Medical Examinations *October, 1995* (Also available in PDF format)

Compliance Manual Section 902: Definition of the Term "Disability" *March, 1995*

See also: Executive Summary: Compliance Manual Section 902, Definition of the Term "Disability"

MEDICAL RECORD**AUTHORIZATION FOR DISCLOSURE OF INFORMATION**

For use of this form, see AR 40-66; the proponent agency is Office of The Surgeon General.

This form will not be used for authorization to disclose alcohol or drug abuse patient information from medical records or for authorization to disclose information from records of an alcohol or drug abuse treatment program. For authorization to disclose alcohol or drug abuse patient information, see 42 USC section 290dd, 42 CFR part 2, AR 40-66, and AR 600-85.

(Pursuant to the Privacy Act of 1974, 5 USC section 552a)

PHYSICIAN OR MEDICAL TREATMENT FACILITY AUTHORIZED TO RELEASE INFORMATION

It is understood that this authorization may be revoked at any time, if requested in writing, except to the extent that action will have already been taken.

PATIENT DATANAME *(Last, First, MI)*DATE OF BIRTH
(YYYYMMDD)SOCIAL SECURITY/IDENTIFICATION
NUMBERPERIOD OF TREATMENT (YYYYMMDD to YYYYMMDD)
TO

TYPE OF TREATMENT

 OUTPATIENT INPATIENT BOTHRESTRICTIONS ON INFORMATION *(Specify)*

USE OF MEDICAL INFORMATION

 FURTHER MEDICAL CARE INSURANCE CLAIM(S) ATTORNEY DISABILITY DETERMINATION OTHER *(Specify)***INFORMATION DESTINATION**INDIVIDUAL OR ORGANIZATION TO WHOM INFORMATION SHOULD BE RELEASED *(Name and Address)*

(ANY DISCLOSURE OF MEDICAL RECORD INFORMATION BY THE RECIPIENT(S) IS PROHIBITED EXCEPT WHEN IMPLICIT IN THE PURPOSES OF THIS DISCLOSURE)

RELEASE AUTHORIZATION

I hereby request and authorize the named physician/medical treatment facility to release the medical information described above to the named individual/organization indicated.

DATE (YYYYMMDD)

SIGNATURE OF PATIENT/PARENT/GUARDIAN

RELATIONSHIP TO PATIENT

IMPRINT OF PATIENT IDENTIFICATION PLATE WHEN AVAILABLE