



DEFENSE
HEALTH AGENCY

**OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
HEALTH AFFAIRS**

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DEC 10 2015

MEMORANDUM FOR ALL DEFENSE HEALTH AGENCY EMPLOYEES

SUBJECT: Reasonable Accommodation for Individuals with Disabilities Policy

The Defense Health Agency (DHA) is committed to providing reasonable accommodation(s) to its employees and applicants for employment in order to assure that qualified individuals with disabilities, permanent or temporary, as required by Federal laws, enjoy full access to equal employment opportunities. The intent of this updated policy, which supersedes previous policy on this matter, is to increase the awareness of managers and supervisors responsible for providing expanded opportunities for individuals with disabilities in the DHA workforce. Further, this policy implements a new maximum amount of time for processing and providing reasonable accommodation decisions to qualified applicants and employees.

Section 501 of the Rehabilitation Act of 1973, as amended, requires employers to make "reasonable accommodation" to the known physical or mental limitations of qualified applicants and employees with disabilities, unless the agency can demonstrate that the accommodation would impose an undue hardship on the operation of its program. "Reasonable accommodation" is defined as a change in the work environment, or in the way things are customarily done in the performance of a job, an employment practice, that makes it possible for a "qualified individual with a disability" to enjoy equal employment opportunity, unless to do so would cause an undue hardship.

"Qualified individual with a disability" refers to disabled individuals who meets the job-related skill, experience and education requirements, and who, with or without a reasonable accommodation(s), can perform the essential functions of the position held or desired. Individuals with disabilities are those who have a physical or mental impairment that substantially limits one or more major life activities, history of such impairment, or is regarded as having such impairment. The term "essential functions" means the fundamental job duties of the employment position that the individual with disability holds or desires.

The use of special words is not required (e.g., "reasonable accommodation," "disability," or "rehabilitation"). The use of reasonable accommodation(s) removes workplace barriers that would otherwise prevent qualified individuals with disabilities from competing for jobs or gaining access to the benefit of employment. The DHA supports the use of reasonable accommodation(s) in the workplace, especially the employment of individuals with disabilities.

Managers and supervisors will be trained annually on their responsibilities under the procedures for reasonable accommodation. Executive Order 13164 requires all Federal Agencies to establish procedures on handling requests for reasonable accommodation(s). DHA established the following procedures:

A request for reasonable accommodation(s) may be made orally or in writing by an employee or applicant, or the employee or applicant's family member, health care professional or authorized representative. The individual making the request need only indicate the necessity for assistance based on a medical condition. An employee's oral or written request for

reasonable accommodation(s) by the agency or supervisor will be processed using DHA Form 31.

The employee is responsible for completing and submitting the DHA Form 31 to their supervisor, unless extenuating circumstances prevent the applicant or employee from completing and submitting the form. In this instance, a representative or the supervisor may fill out the form and submit it to the servicing Equal Opportunity and Diversity Management (EODM) office: DHHQ, Falls Church, Virginia; Walter Reed National Medical Center, Bethesda, Maryland; or Fort Belvoir Community Hospital, Fort Belvoir, Virginia. The employee needs to articulate the accommodation(s) needed and participate in the interactive process with their supervisor. Medical documentation may be required from the applicant or employee, and DHA has the right to have it reviewed by a medical expert.

Employer or supervisor will consult with the individual to determine what accommodation(s) are needed to do the job. If necessary, determine what the essential functions of the employee's job are. Supervisor will request documentation for the qualified disability if not known or visible, and the limitations to be accommodated. Select the accommodation(s) that is most appropriate in view of the individual's and agency's needs.

Supervisors are responsible for receiving and acting on the request for reasonable accommodation(s) whenever possible at the lowest level of management, when in agreement as to the type of accommodation(s). Supervisor must forward a completed DHA Form 31 to the servicing EEO Office, which in turn will forward a copy to the DHA EODM Disability Program Manager (DPM) for record and tracking. The DHA EODM DPM will assign a log number and share it with the supervisor along with the suspense date for a decision on the request.

Supervisors must engage in the interactive communications process with the employee and assess the essential job functions, and request pertinent medical documentation, if appropriate. If the immediate supervisor cannot approve the request, he/she must forward, within **five (5) business days** from date of receipt to the second-line supervisor in the requestor's chain of supervision for review and approval or disapproval.

If the reasonable accommodation request requires a medical review by the Federal Occupational Health (FOH) Service, the DHA EODM DPM will forward the Medical Employability Package received from the supervisor to FOH. The package must consist of the following:

1. Medical Employability Case Transmittal Form.
2. A written list of concerns/issues.
3. Signed and completed Authorization for Disclosure of Information Release FOH Form 6.
4. Copies of all relevant medical records.
5. Position description and essential functions.
6. Documentation of agency communications with employee regarding the issue.
7. Copies of Department of Labor Forms CA1 or CA2, when applicable and available.

The maximum time for processing and providing reasonable accommodation decisions to an applicant or employee shall not exceed **thirty (30) business days** from the date of DHA's receipt of the written request, absent any "extenuating circumstances." For clarification purposes, "extenuating circumstances" are unforeseen or unavoidable events or factors that could not reasonably have been anticipated or avoided that prevent the prompt processing and delivery of an accommodation decision. Some examples of extenuating circumstances are:

1. Waiting on a response to a request for medical information,

2. purchase of equipment,
3. equipment ordered may be back-ordered, or
4. removal of architectural barriers.

If the first line supervisor cannot approve or make a decision on the reasonable accommodation(s) request then, he/she must forward the request, and any supporting documents, to the second-line supervisor in the chain of supervision for review and a decision within **seven (7) business days**. If the DHA DPM does not receive a response to approve or disapprove the request within **14 business days**, the DHA DPM will contact the supervisor on behalf of the employee to assist with making a decision.

If the supervisor cannot approve accommodation(s), forward reason(s) for disapproval to DHA EODM DPM, who will forward for consultation with Office of General Counsel (OGC) or the servicing legal office. Once accommodation decision processing is completed, and the request approved or disapproved, supervisor will forward a signed copy of DHA Form 31 to DHA EODM DPM for filing. Finally, the supervisor will implement request if approved.

The DHA point of contact for reasonable accommodation issues is Mr. Keith Gaiter, EODM DPM. Mr. Gaiter may be reached at (703) 681-9564 or Keith.gaiter.civ@mail.mil.


R. C. BONO
VADM, MC, USN
Director

Attachment:
As stated