



DISABILITY REASONABLE ACCOMMODATIONS AND PERSONAL ASSISTANCE SERVICES POLICY

September 2019

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1. Exchange Policy on Disability Reasonable Accommodation

Overview

The Exchange is committed to providing disability reasonable accommodations to its associates and applicants for employment to ensure that individuals with disabilities [1] enjoy equal access to all employment opportunities.

Executive Order 13164 requires all Federal Agencies to establish procedures on handling requests for disability reasonable accommodations. The Exchange's Disability Reasonable Accommodation procedures fully comply with the requirements of the Rehabilitation Act of 1973 as amended by the Americans with Disabilities Amendment Act of 2008. This Policy supersedes those issued in 2011 and complies with the EEOC's 2017 Final Rule to clarify the affirmative action obligations that Section 501 of the Act imposes on federal agencies.

Associates may contact their local Human Resources Manager (HR DESIGNEE) for assistance in requesting a disability reasonable accommodation. Associates may also contact the Office of Equal Employment Opportunity, Diversity & Inclusion (EEO/ODI) for additional information on the rights and responsibilities of applicants and associates requesting disability reasonable accommodation. For record keeping purposes, Exchange "Confirmation of Disability Accommodation Request" form (Exchange Form 1600-003) is included as an attachment to this Policy. Resources for accommodations are listed in the back of this booklet.

All management personnel must be familiar with this Policy, which contains significant information on the responsibilities of the Exchange when responding to requests for disability reasonable accommodation, as well as the rights and responsibilities of those requesting accommodation. All management personnel are required to engage in an interactive dialogue with associates requesting accommodations, and should use the Position Evaluation Form (Exchange Form 1300-008) as a guide to assessing whether requested accommodations or alternative accommodations are reasonable.

Disability Reasonable Accommodation

A disability reasonable accommodation is any change in the workplace or the way things are customarily done that provides an equal employment to an individual with a disability. While there are some things that are not considered reasonable accommodations (e.g., removal of an essential job function or personal use items such as a hearing aid that is needed on and off the job), reasonable accommodations can cover most things that enable an individual to apply for a job, perform a job or have equal access to the workplace and employee benefits, such as kitchens, parking lots and office events.

The Exchange provides reasonable accommodations:

- When an associate with a disability needs an accommodation to perform the **essential functions** of the job or to gain access to the workplace.
- When an associate with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (i.e. training or company-sponsored events).
- When an applicant with a disability needs an accommodation to have an equal opportunity to compete for a job.

Common types of accommodations include, but are not limited to:

- modifying work schedules or supervisory methods
- granting breaks or providing leave
- altering how or when job duties are performed
- removing and/or substituting a marginal function
- moving to different office space
- providing materials in alternative formats (e.g., Braille, large print)
- providing accessible parking
- providing a reassignment to another job
- providing assistive technology, including information technology and communications equipment or specially designed furniture

Undue hardship

Agencies do not have to provide accommodations that would impose an undue hardship on the operation of the agency. An undue hardship means that a specific accommodation would require significant difficulty or expense. This determination will be made on a case-by-case basis and consider factors such as the nature and cost of the accommodation needed and the impact of the accommodation on the operations of the agency. When evaluating budgetary or administrative concerns to determine if undue hardship exists, the Exchange will follow the standards dictated in the regulations and *Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act (ADA)*.

Essential functions

The essential functions of a job are those job duties that are so fundamental to the position that the individual cannot do the job without being able to perform them. A function can be "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.

2. Disability Reasonable Accommodation Procedures

Requesting a Disability Reasonable Accommodation

2-1. The Exchange will process requests for disability reasonable accommodations, where appropriate, in a prompt and efficient manner in accordance with the time frames set forth in this Policy.

2-2. Requests for a disability reasonable accommodation may be made at any time, **verbally or in writing**. A request does not have to include any special words, such as “reasonable accommodation”, “disability” or “Rehabilitation Act.” The requester does not need to have a particular accommodation in mind before making a request. The requestor may call, email or visit their supervisor or manager using the contact information provided for their respective facility.

2-3. Requests for accommodation may be made to any of the following:

- a. The associate’s supervisor
- b. A supervisor or manager in the associate’s immediate chain of command
- c. Any other Exchange office or associate in connection with the application process
- d. Any other individual designated by the Exchange.

2-4. Verbal or written requests for accommodation must be processed by the requestor’s first-line supervisor within **21 calendar days** from the date requested, unless there are extenuating circumstances.

- a Verbal requests for accommodation may be followed up in writing by completing the Exchange “Confirmation of Disability Accommodation Request” form (Exchange Form 1600-003).
- b If an associate chooses not to complete the 1600-003, managers will prepare a memo for record (MFR) to document the request.
- c A copy of the form or MFR must be provided to the associate or applicant.
- d A copy of the form or MFR will be submitted to HR for processing. The Exchange will begin processing all requests immediately upon receipt.
- e The facility manager will notify the HR DESIGNEE of all requests received directly from associates or subordinate supervisors.

Requests outside Chain of Command

2-5. Requests for accommodation that fall outside the first-line supervisor’s authority will be forwarded to his/her facility manager for approval within **5 calendar days** of receiving the request.

2-6. If an Exchange manager or supervisor receives a request for accommodation from an associate outside his/her chain of command and authority:

- a The request must be forwarded to the local HR DESIGNEE in writing, within **3 calendar days** of receiving the request.
- b The HR DESIGNEE will forward the request to the appropriate decision maker within **3 calendar days** of receiving the request.

2-7. Any request for handicap parking at the Headquarters location must be submitted for approval to the Facility Management Office (FMO).

Multiple Requests for Accommodation

2-8. Once an associate has requested a type of reasonable accommodation that s/he is likely to need on a repeated basis (e.g. the assistance of a sign language interpreters or is readers), the individual need not submit a written request for recordkeeping purposes each time the accommodation is needed.

Subsequent Requests for Disability Reasonable Accommodation

2-9. An individual's receipt or denial of an accommodation does not prevent subsequent requests if circumstances change and he/she believes that an accommodation is needed due to limitations from a disability (e.g., the disability worsens or an employee is assigned new duties that require an additional or different reasonable accommodation). The Exchange may not refuse to process, nor deny a request for accommodation, based on a belief that the accommodation should have been requested earlier (e.g., during the application process).

Third Party Requests for Disability Reasonable Accommodation

2-10. A family member, health care professional or other representative may request an accommodation from the associate's immediate supervisor on behalf of the associate. A family member, health care professional or other representative may request an accommodation on behalf of an applicant from any office in connection with the application process or any Exchange associate with whom an applicant has contact or any other individual designated by the Exchange.

3. Processing Disability Reasonable Accommodations

Interactive Dialogue/Interactive Process

3-1. Managers, supervisors, and HR personnel are responsible for engaging in an interactive process with each associate who has requested an accommodation in order to assess the associate's medically related limitations and possible accommodations for those limitations. There is no need for individuals to complete any specific form prior to beginning this process.

- a. This responsibility continues after the accommodation has been granted to determine whether the provided accommodation is effective and reasonable.
- b. The use of Exchange Form 1300-008 for guidance during this dialogue/process is highly encouraged and will help to properly document the discussion.

3-2. Face to face communication is highly recommended, but is not required in all situations, as long as there is candid two-way communication and the process is working to address the associate's concerns. EEODI and the Office of the General Counsel, Employment Law Division are available to advise and assist when needed.

3-3. If the disability is obvious or already known to the supervisor, if it is clear why a reasonable accommodation is needed, and if an accommodation can be provided quickly, then the supervisor should not require the full 21 calendar days to process the request. The following are examples of situations where the disability is obvious or already known and an accommodation can be provided in less than the allotted time frame. These examples include, but are not limited to:

- An employee with insulin-dependent diabetes who sits in an open area asks for three breaks a day to test her blood sugar levels in private.
- An employee with clinical depression who takes medication which makes it hard for her

to get up in time to get to the office at 9:00 a.m., requests that she be allowed to start work at 10:00 a.m. and still work an eight and a half hour day.

- A supervisor distributes a detailed agenda at the beginning of each staff meeting. An employee with a serious learning disability asks that the agenda be distributed ahead of time because his disability makes it difficult to read quickly and he needs more time to prepare.

Expediting Processing

3-4. In certain circumstances, a request for an accommodation may require an expedited review and decision. An expedited reasonable accommodation may be needed for, but not limited to, the following:

- a. To enable an applicant to apply for a job vacancy.
- b. To enable associates to attend a meeting or training scheduled to occur shortly.

Extenuating circumstances

3-5. These are circumstances that **could not reasonably have been anticipated or avoided in advance** of the request for accommodation, **or that are beyond the Exchange's ability to control**. When extenuating circumstances are present, the time for processing a request for an accommodation and providing the accommodation will be extended as reasonably necessary. Extensions will be limited to circumstances where they are absolutely necessary and only for as long as required to deal with the extenuating circumstance.

- a. The supervisor or facility manager must notify the individual regarding the reason for the delay within **3 calendar days**, and the approximate date on which a decision or provision of the reasonable accommodation is expected. Any further developments or changes must be communicated promptly to the individual.

Granting a Disability Reasonable Accommodation Request

3-6. If it is determined that a disability reasonable accommodation will be granted, the decision must be communicated to the requestor NLT **5 calendar days**. Whenever possible, accommodations are to be provided to the associate NLT **21 calendar days or earliest practical date prior to deadline**. Requests that require review of medical documentation or involve other

extenuating circumstances may take longer. If extenuating circumstances exist, every effort must be made so that processing time does not extend beyond 60 calendar days. In such cases, the HR DESIGNEE will note the delay in the Reasonable Accommodations Tracking System "Decision Comments" text box.

Follow these steps to grant a disability reasonable accommodations request:

- a. The supervisor or facility manager will submit copies of all forms and information, including medical information received during the request process, to the HR DESIGNEE within **14 calendar days** of the decision.
- b. The HR DESIGNEE will enter the RA request into the Exchange's Reasonable Accommodation Tracking System (RATS) within **5 calendar days** of receipt of request.
- c. The HR DESIGNEE will maintain the records in a separate and secure file during the associate's tenure with the Exchange at a specific location. Records will be retained in accordance with the timeline prescribed in EOP 5-1 Records Management.
- d. **In the event the accommodation cannot be provided immediately, the supervisor or facility manager must inform the individual, in writing, of the projected time frame for providing the approved accommodation.**
- e. The facility manager will consult with the HR DESIGNEE prior to approving accommodation requests to assist in arranging for the use of agency resources, including fiscal resources.

3-7. The supervisor or facility manager must determine whether temporary measures can be taken to assist the associate while the associate's request is being reviewed. This may include providing the requested accommodation on a temporary basis or providing a less effective form of accommodation.

3-8. The HR DESIGNEE or the supervisor or facility manager is responsible for assuring a temporary accommodation does not take the place of a permanent accommodation and all necessary steps to secure the permanent accommodation are being taken.

3-9. When utilizing sign language interpreters, an employee who knows sign language or who is taking a sign language class, is **not** an acceptable substitute for a contract interpreter.

Denial of a Request for Disability Reasonable Accommodation

3-10. Only a facility manager has the authority to deny a request for a disability reasonable accommodation.

Requirements when denying a request for a disability reasonable accommodation are as follows:

- a. The facility manager will consult with the HR DESIGNEE prior to denying accommodation requests to ensure that all reasonable alternatives, which would not impose an undue hardship on the Exchange, have been considered. Additionally, they must consider all resources available to the Exchange, excluding those resources designated by statute for a specific purpose that does not include reasonable accommodation, prior to denying a request for an accommodation based on cost.
- b. The interactive dialogue/process must be documented prior to denying any reasonable accommodation request.
- c. A detailed explanation for the denial will be recorded on Exchange Form 1600-003 and provided to the requestor at the time of the denial. See Exchange Form 1600-003 for available internal appeal or informal dispute resolution processes.
- d. In instances where the facility manager has denied a specific requested accommodation, and offered an alternative which was not agreed to during the interactive process, the denial notice should explain:
 1. The reason for the denial and
 2. Why the facility manager believes the alternative modification would be effective.

Reassignment

3-11. Reassignment is a “last resort” accommodation that will only be considered if no other accommodations are available to enable the individual to perform his/her current job, or if the only effective accommodation would cause undue hardship.

Steps for considering a reassignment:

- a. The HR DESIGNEE, Principal Management Official (PMO), HR-Talent Management Division (if applicable) and the requestor, will work together to identify all vacant positions within the Exchange for which the associate is qualified, with or without reasonable accommodations.
 1. This will include all positions which the HR DESIGNEE has reason to believe will become vacant over the next 30 calendar days and for which the associate is qualified; and may include positions outside of the associate’s commuting area, if the associate is willing to relocate.
 2. The Exchange is not obligated to pay relocation fees of any kind.
- b. The Exchange will first focus on positions equivalent to the associate's current job in terms of pay, status, and other, relevant factors. If there is no equivalent vacant position, the Exchange will consider vacant lower level positions for which the individual is qualified.
- c. The law does not require that agencies create new positions or move associates from their jobs in order to create a vacancy.
- d. There is no obligation for the Exchange to assist the associate to become qualified.
- e. Reassignment is available only to associates, not applicants.
- f. The Exchange’s vacant positions are listed at www.applymyexchange.com.

Reconsideration of a Denial for a Disability Reasonable Accommodation Request

3-12. Individuals may request prompt reconsideration for a denial of a disability reasonable accommodation request.

- a. The requestor may present additional information in support of his/her request.
- b. The PMO will fully reconsider the decision which will include, at the request of the associate, a meeting between the associate, the immediate supervisor, facility manager, and the HR DESIGNEE.
- c. The PMO will respond to the request for reconsideration within **14 calendar days** of receiving the request.

Relation of Procedures to Statutory and Collective Bargaining Claims

3-13. Exchange policy regarding Disability Reasonable Accommodation supplements statutory and collective bargaining protections for individuals with disabilities and the remedies they provide for the denial of requests for disability reasonable accommodation. An individual who chooses to pursue statutory or collective bargaining remedies for denial of a disability reasonable accommodation must:

- a. **For an EEO complaint:** Request EEO counseling **within 45 calendar days** from the date of receipt of the written notice of denial. The procedure for filing an EEO complaint can be found on the EEO poster located in your facility and on the EEODI portal. (add hyperlink)
- b. **For a collective bargaining claim:** file a written grievance in accordance with the provisions of the Collective Bargaining Agreement.

4. Requests for Medical Information

4-1. The Exchange has a right to ask for medical information, including relevant supplemental information, confirming the requestor has a covered disability that requires accommodation, if the requestor's disability and/or need for accommodation are not obvious or already known. The medical information should describe the nature of the requestor's disability, his or her need for reasonable accommodation, and how the requested accommodation, if any, will assist the requestor to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of the workplace. Conversely, when both the disability and the need for accommodation are obvious or the individual has provided the agency with sufficient information to document the existence of a disability and his/her functional limitations, the agency will not request medical information. It is the responsibility of the applicant/associate to provide appropriate medical information as requested by the Exchange.

4-2. The PMO is the only person authorized to request relevant supplemental medical information when the first submission is insufficient. If the facility manager determines medical information is needed to effectively evaluate a request for an accommodation, he/she will work with the PMO and HR DESIGNEE to obtain such information. Unrelated documentation will not be requested.

- a. **All medical information will be retained by the HRO.**
- b. The confidentiality of medical information is maintained in accordance with HIPAA guidelines.

Examination by an Agency Physician

4-3. The Exchange has the right to request that an individual be examined by its own physician, at the agency's expense, when the individual has provided insufficient documentation from his/her own health care provider or other appropriate professional to substantiate the existence of a disability and the need for a disability reasonable accommodation. Any such medical examination must be limited to determining the existence of a disability and/or the functional limitations that require a reasonable accommodation. Where a medical examination is warranted, the agency

must explain to the individual with a disability that failure to agree to it could result in a denial of an accommodation.

Genetic Information Nondiscrimination Act of 2008

4-4. Pursuant to 29 C.F.R. §1635.8(b)(i)(B), the Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law.

4-5. To comply with this law, associates and applicants for employment are asked **not to provide** any genetic information when responding to requests for medical information. “Genetic information” as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or individual’s family member or an embryo lawfully held by an individual or an individual’s family member receiving assistive reproductive services.

5. Confidentiality Requirements

5-1. Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential. All medical information obtained in connection with a request for an accommodation must be maintained in files separate from the individual's Official Personnel Folder (OPF) or Supervisory Folder. Any Exchange associate who obtains or receives such information is strictly bound by the confidentiality requirements.

5-2. The HR DESIGNEE will maintain custody of all records obtained or created during the processing of an accommodation, including medical records, and will respond to all requests for disclosure of the records. All records will be maintained in accordance with the Privacy Act, Health Insurance Portability & Accountability Act (HIPPA), and the requirements of 29 C.F.R. §1611.

Medical information may be disclosed only as follows:

- a. Supervisors and facility managers who need to know may be informed about necessary restrictions on the work or duties of the associate and about the essential accommodation(s); however, medical information is to be disclosed strictly as needed.
- b. First Aid and Safety Associates may be informed, when appropriate, if the disability might require emergency treatment or assistance in evacuation.
- c. Government Officials, to include EEO Investigators, may be given information necessary to investigate the agency's compliance with the Rehabilitation Act.
- d. In certain circumstances information may be disclosed to worker's compensation offices or insurance carriers.
- e. The Exchange is currently self-insured for the purposes of workers' compensation and the

claims are administered by a Third Party Contractor (TPA). Information may be disclosed to the Exchange's workers' compensation TPA related to a pending workers' compensation claim.

5-3. All supervisors are required to successfully complete Privacy Act for Supervisors (129L), Health Insurance Portability & Accountability Act (HIPPA) (249F) and Supervising People with Disabilities (502H).

6. Information and Tracking

6-1. In accordance with Equal Employment Opportunity Commission's (EEOC) guidance and Executive Order, the Exchange collects and tracks data on requests for accommodation and must have the ability to provide to the EEOC information or cumulative records used to track the agency's performance with regard to workplace accommodations. The Exchange utilizes the Reasonable Accommodations Tracking System (RATS) to track the details of the requests, its processing status and the time lines in full implementation of the requests for accommodations. Visit the Exchange [Reasonable Accommodations web portal](#) for detailed instructions on the use of the RATS.

6-2. Associates and applicants may contact their HR DESIGNEE to obtain the status of their request for accommodation.

7. Personal Assistance Services

7-1. For many individuals with targeted disabilities, Personal Assistance Services (PAS) help make employment possible. People with significant disabilities use PAS in the workplace to do, on a day-to-day basis, those things that allow them to be at work but without PAS, they could not. Examples of workplace PAS vary, but may involve activities such as retrieving materials out of reach, putting on or removing outerwear, assistance with eating, assistance using the restroom, job related travel, services during telework, etc. PAS is not required to be provided for commuting to and from work or for medical services.

7-2. The Exchange must provide personal assistance services during work and job related travel for our eligible associates. To be eligible, the individual must have a targeted disability as listed in the self-identification section of the Exchange Employee Self Service (ESS) and the assistance must be tied to their type of disability. Once the PAS has been provided, the associate must be able to safely perform the essential functions of the job without posing a direct threat to safety. Finally, the Exchange will provide the PAS as long as it does not pose an undue hardship on the organization

7-3. Two types of Personal Assistance: Personal Services Accommodation and Personal Assistance Services and the differences are annotated below:

- a. Personal Services Accommodations are job-related services, which enable individuals with disabilities to apply for the job, perform job functions, or enjoy benefits and privileges of the job, e.g., notetaking, typing or filing.
- b. Personal Assistance Services enable individuals with targeted disabilities to participate/be in the workplace, e.g., assistance with eating, or putting on and taking off outerwear.

7-4. We have flexibility in locating PAS for our associates. The Exchange can choose to work with a PAS provider, assign a current associate to perform these tasks as part of their primary job, or hire a full-time associate or contractor to provide the services.

7-5. Associates will request PAS using the current Disability Reasonable Accommodation request procedure outlined in the preceding chapters.

Appendix 1

Definitions

Qualified Individual with a Disability: An individual with a disability is qualified if:

- He/she satisfies the mandatory skills, experience, education and other job-related requirements of the position and
- He/she is able to perform the essential functions of the position, with or without reasonable accommodation

Supervisor: An individual who normally rates performance, has approval authority for such functions as creating work schedules; granting requests for leave and assigns duties to associates in either a specific area of a facility or the entire facility. The supervisor would normally be the associate's first line supervisor, to include foremen, shift supervisors, assistant managers, 1st assistant managers, operations managers and all other managers who function below the facility manager.

Facility Manager: Individual who has total responsibility for an entire business function of a facility, such as a main store, food court or express. A facility manager is the only person authorized to deny requests for accommodation within facilities under their authority. A facility manager may also be a first line supervisor.

Principal Management Official (PMO): The General Manager (GM) or Distribution Center Manager (DCM) is ultimately responsible for all Exchange operations on an installation, including all facilities.

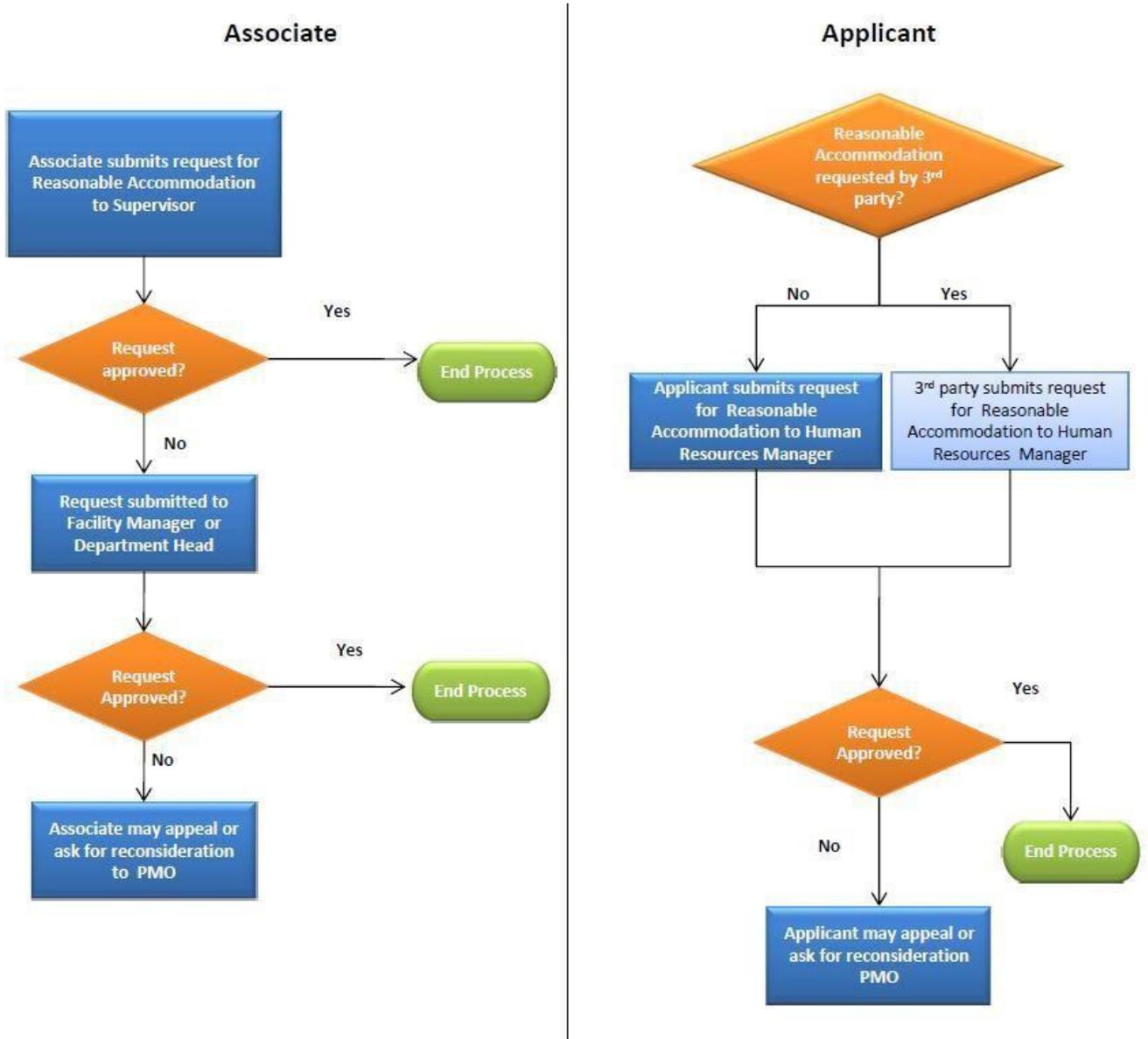
The PMO is the only person authorized to:

- Request medical information

- Overturn a denial of an accommodation
- Approve reassignments, working with the HR DESIGNEE, HR-TMD (if applicable) and the requestor.

Appendix 2

Requests for Reasonable Accommodations Flowchart



DENIED: *If request was denied, select reason below:*

- Requestor does not have a Rehabilitation Act Disability
- Accommodation ineffective
- Accommodation would cause undue hardship
- Medical documentation inadequate
- Accommodation would require removal of essential function
- Accommodation would require lowering performance or production standard
- Other (Please identify) _____

Additional Comments:

EXCHANGE OFFICIAL ONLY

Exchange Official (print name) _____

Date _____

Exchange Official (signature) _____

PRIVACY ACT: The Rehabilitation Act of 1973, 29 U.S.C. section 791, and Executive Order 13164 authorize collection of this information. The primary use of this information is to consider, decide, and implement requests for reasonable accommodation. Additional disclosures of the information may be: To medical personnel to meet a bona fide medical emergency; to another Federal agency, a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency when the Government is a party to the judicial or administrative proceeding; to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; and to an authorized appeal grievance examiner, formal complaints examiner, administrative judge, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint or appeal filed by an employee.

EXCHANGE FORM 1600-003 (REV SEP 19)

Appendix 4

ARMY & AIR FORCE EXCHANGE SERVICE

POSITION EVALUATION

LAST NAME		FIRST NAME		DATE EVALUATED
POSITION TITLE				10-DIGIT FACILITY
BRIEF DESCRIPTION OF POSITION DUTIES AS OUTLINED ON JOB DESCRIPTION				
ESSENTIAL DUTIES		FREQUENCY DAILY, WEEKLY, BIWEEKLY OR MONTHLY	TIME SPENT BASED ON FREQUENCY HH:MM	
ADDITIONAL COMMENTS				
Evaluation Prepared By				
LAST NAME		FIRST NAME		JOB TITLE

EXCHANGE FORM 1300-008 (NOV 14)

Interactive Dialogue- Critical Topics

1. What are the **ESSENTIAL** duties of the position?
2. Is the employee's Impairment physical or mental?
 - A. Does the impairment impact the employee's ability to perform his/her job?
 - B. Has medical information been provided that outlines the employee's medical restrictions?
3. Are there other barriers to the employee's returning to work?
4. Can the employee perform the **ESSENTIAL** functions of his/her usual position?
 - A. If yes, does the employee still need some other accommodation to enable him/her to work?
 - B. If not, is there some accommodation proposed by the employee that would enable him/her to perform the **ESSENTIAL** functions of the position?
5. Would either accommodation impose an undue hardship upon the Exchange (not the facility)?

REMEMBER :

We do not have to and should not eliminate any **ESSENTIAL** function of the position

We do not have to and should not lower quantitative or qualitative performance standards.
6. If so, does management have an alternate accommodation that might enable the employee to perform the **ESSENTIAL** Functions of that position?
7. If no accommodation appears possible that would enable the employee to perform the **ESSENTIAL** functions of his/her usual position does the employee have the necessary skills for some other vacant position ?
8. Repeat above steps for the other position(s).

Essential Functions

Essential functions are the basic job duties that an employee must be able to perform, with or without reasonable accommodation. You should carefully examine each job to determine which functions or tasks are essential to performance. Factors to consider include:

- Whether the reason the position exists is to perform that function.
- The number of other employees available to perform the function or among whom the performance of the function can be distributed.
- The degree of expertise or skill required to perform the function.
- The time spent performing a function.
- The consequences of not requiring that an employee perform a function.

Specific Criteria:

Is the function a primary reason for which the position was established?

For example: A floating supervisor job exists to provide a substitute when regular supervisors on day, night and graveyard shifts are absent. So, an essential function of the job may be to work at any time of day.

Would removing the function fundamentally change the position or eliminate the need for the position?

For example: Removing the function "provide guidance and resources to clients" from a customer service position would fundamentally alter the Job and question the need for it.

Is transferring the function impossible due to a lack of available employees?

For example: It may be an essential function for a file clerk to answer the telephone. If there are only three employees in a very busy office and each employee has to perform many different tasks.

Are there severe consequences if the position is not required to perform the function?

For example: A firefighter may rarely have to carry a heavy person from a burning building, but it is an essential function of the job because of the serious consequences of not performing it.

Does the function require specialized expertise?

For example: Dual language positions may have essential functions related to speaking a second language fluently. Or, accountant positions may have essential functions that require licensure as a Certified Public Accountant.

If any of the above criteria are met, the function is likely essential.

Memorandum for Record of Interactive Dialogue Prepared By

LASTNAME

FIRSTNAME

Appendix 5

Reasonable Accommodation Resources

U.S. Equal Employment Opportunity Commission

1-800-669-3362 (Voice) 1-800-800-3302 (TT)

www.eeoc.gov

EEOC has published many ADA and Rehabilitation Act-related documents that may assist both individuals requesting accommodations as well as those involved in the decision-making process.

EEOC Reasonable Accommodations Policy:

http://www.eeoc.gov/eeoc/internal/reasonable_accommodation.cfm#AppF

EEOC Policy Guidance on Executive Order 13164

https://www.eeoc.gov/policy/docs/accommodation_procedures.html

EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act

<https://www.eeoc.gov/policy/docs/accommodation.html>

EEOC Enforcement Guidance: Disability- Related Inquiries and Medical Examinations of Employees under the Americans with Disability Act

<https://www.eeoc.gov/policy/docs/guidance-inquiries.html>

Job Accommodation Network (JAN)

1-800-232-9675 (Voice/TT)

<http://janweb.icdi.wvu.edu/>

A service of the Office of Disability Employment Policy, JAN can provide information, free-of-charge, about many types of reasonable accommodations and provide referrals to other organizations that may have particular information about accommodations for persons with different disabilities.

Computer/Electronic Accommodations Program (CAP)

(833) 227-3272 or (703) 614-8416 (Voice) 8am-5pm (EST)

(571) 384-5629 (VP)

Email: cap@mail.mil

www.cap.mil

CAP offers several ways to learn about the assistive technology available to improve an individual's capabilities. These technologies, which can be used to maintain, increase, or improve an individual's job performance, are available to accommodate people with all types of disabilities. This includes both apparent physical disabilities, as well as hidden cognitive disabilities. To find the solutions that work best for you, you can choose to search the CAP site for solutions, or you can browse by disability category. Within each disability category, there are product categories that contain an array of assistive technology products.

ADA Disability and Business Technical Assistance Centers (DBTACs)

1-800-949-4232 (Voice/TT)

The DBTACs consist of 10 federally funded regional centers that provide information, training, and technical assistance on the ADA. Each center works with local business, disability, governmental, rehabilitation, and other professional networks to provide current ADA information and assistance. The DBTACs can provide information on reasonable accommodation and make referrals to local sources of expertise in reasonable accommodations.

Registry of Interpreters for the Deaf

(301) 608-0050 (Voice/TT)

The Registry offers information on locating and using interpreters and transliteration services.

RESNA Technical Assistance Project

(703) 524-6686 (Voice) (703) 524-6639 (TT)

<http://www.resna.org>

RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America, can refer individuals to projects in all 50 states and the six territories offering technical assistance on technology-related services for individuals with disabilities. Services may include:

- information and referral centers to help determine what devices may assist a person with a disability (including access to large data bases containing information on thousands of commercially available assistive technology products),
- centers where individuals can try out devices and equipment,
- assistance in obtaining funding for and repairing devices, and
- equipment exchange and recycling programs.

APPENDIX 6

ACCESSIBLE FORMATS

Accessible formats of this Policy will be made available to associates and applicants. Please contact EEODI at 214.312.2607 or EEOCounseling@aafes.com.

[1] All references to “disability” in these Procedures refer only to those impairments that meet the ADA/Rehabilitation Act definition of “disability” as amended by the ADA Amendments Act of 2008 (ADAAA). The expanded definition of “disability” is to be interpreted broadly and does not require an extensive analysis. Per the ADAAA, “disability” is defined as a physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or being regarded as having a disability.

The Rehabilitation Act, as amended by the ADAAA, does not require an employer to provide reasonable accommodation to an individual who only meets the “regarded as” definition of disability.