



CALIFORNIA MILITARY DEPARTMENT INSTRUCTION

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FEDERAL REASONABLE ACCOMMODATION POLICY

Reference(s): See Enclosure F

1. Purpose. This instruction establishes policy and assigns responsibilities for implementing and maintaining the California Military Department (CMD) Federal Reasonable Accommodation (RA) Policy in accordance with (IAW) references found in Enclosure F. This instructions identifies a variety of management directives and executive orders in order to meet RA and affirmative action obligations and requirements. These include goals of adopting employment goals for individuals with disabilities (IWD), with sub-goals for IWDs with targeted disabilities; providing Personal Assistance Services (PAS) to certain employees who need them because of a targeted disability; and meeting other numerous requirements designed to improve the recruitment, hiring, retention, and advancement of IWD in the CMD's federal workforce.

2. Cancellation. None.

3. Applicability. This instruction applies to all CMD Title 5 and Title 32 federal employees to include job applicants for either status.

4. Policy. It is the policy that:

a. The CMD is committed to providing Equal Employment Opportunity (EEO) for Title 5 and Title 32 federal employees (current, former, & applicants). By law, federal agencies must provide RA to qualified IWDs to ensure they have full access to equal employment opportunities.

b. This instruction supports, but is not limited to, prompt, fair, and efficient processing of RA requests; increasing awareness of responsibility in providing for the expansion of opportunities for IWD; and ensuring that managers and supervisors comply with provisions of the Rehabilitation Act of 1973, as amended.

c. For the purposes of this instruction, the term "IWD" refers to either the employee, individual, person, or applicant for whom the RA involves, or if he/she is not the actual requestor, it refers to his/her representative.

d. For the purposes of this instruction, the term “CMD” may refer to the Directorate for Human Resources, also known as the Human Resources Office (HRO), as the adjudication authority of all RA requests. See Enclosure A, Responsibilities.

e. Temporary injuries or illnesses do not fall under the RA process. These issues are handled between the supervisor and employee to allow for temporary limited duties until full recovery (reference CMDI 1100.01, Light Duty Policy).

5. Definitions. See Glossary (GL).
6. Responsibilities. See Enclosure A.
7. Summary of Changes. Updated CAL GUARD logo.
8. Releasability. This issuance is approved for public release; distribution is unlimited.
9. Effective Date. This instruction is effective upon publication.



JEFFERY C. KERNS
COL, IN, CAARNG
Director, Manpower and Personnel

Enclosures:

- A – Responsibilities
- B – General Information
- C – Types of Reasonable Accommodation
- D – Personal Assistance Services
- E – Interactive Process
- F – References
- GL – Glossary

ENCLOSURE A

RESPONSIBILITIES

1. Director, Manpower and Personnel (J1). Responsible for providing a Reasonable Accommodation Policy based on enforced guidance from the Equal Employment Opportunity Commission (EEOC), the Office of Personnel Management (OPM), and the National Guard Bureau (NGB).
2. Directorate for Human Resources. The Human Resources Office (HRO) is responsible for the implementation, administration, and provides final adjudication of all RA requests. The main HRO line is (916) 854-3350.
3. Disability Program Manager (DPM). The DPM is responsible for the following:
 - a. As the proponent for the program for IWD, is the initial contact and coordinates all RA requests.
 - b. Advising and providing managers and supervisors with information on RA and needs assessments for applicants and employees.
 - c. Assists managers and supervisors determine the essential duties of a position, identify architectural barriers and possible modifications that allow IWD to perform essential duties.
 - d. Advising and providing employees with information on RA and RA resources.
 - e. Ensures this CMD Instruction (CMDI) is readily available and accessible in all formats including alternative formats to all personnel to include IWD
4. Equal Employment Opportunity (EEO) Office. The EEO Office is responsible for the following:
 - a. In conjunction with the DPM, ensures managers and supervisors receive RA training programs on an annual basis, as well as making such training a part of newly-appointed supervisor and manager orientation.
 - b. Handles EEO discriminatory complaints related to RA.
 - c. Submits RA data each year for inclusion in the Management Directive (MD) 715. Additionally, tracks and reports on RA requests in the annual IWD Affirmative Action Program Plan.

5. Commanders and Directors. Commanders and directors at all levels are responsible for promoting and providing the necessary resources to support the RA process, as well as ensuring that all managers and supervisors subject to their authority receive annual training on the RA process.

6. Managers and Supervisors. Managers and supervisors are responsible for the following:

a. Assuring all personnel 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 device (on request). Other alternatives will be made available, so the RA procedures are accessible for individuals with particular disabilities.

b. Receiving and reviewing RA requests from personnel.

c. Consulting with the DPM and HRO to identify if an individual's impairment is due to a qualified disability or an injury or incident which handled through light duty procedures.

d. Communicating the status and disposition of RA requests to the requesting person.

ENCLOSURE B

GENERAL INFORMATION

1. Background.

a. The Rehabilitation Act of 1973, as amended by the Americans with Disabilities Act (ADA) of 1990, requires all Federal agencies to provide RA to qualified IWDs who are employees or applicants for employment, unless doing so would cause undue hardship. Executive Order (EO) 13164, “Establishing Procedures to Facilitate the Provision of Reasonable Accommodation,” dated 26 July 2000, requires all Federal agencies to establish written procedures for processing RA requests. The Executive Order also clarifies the requirement of the Rehabilitation Act of 1973 to provide RA to qualified employees and applicants with disabilities.

b. On 20 October 2000, the EEO Commission (EEOC) issued the “EEO Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation.” This guidance further explains the requirements of EO 13164 and provides additional guidance as needed regarding processing RA requests.

c. Notably, Executive Order 13164 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. The ADA initially did not apply to Federal employees, because the Rehabilitation Act of 1973 already included the same information. The ADA coverage now extends equally to Federal employees.

2. Qualified Individuals with Disabilities. Qualified IWDs is an individual with a physical or mental impairment, or a record of having such an impairment, that substantially limits one or more major life activities, who can, with or without reasonable accommodation, perform the essential functions of the position that the individual holds or desires. An individual regarded as having such an impairment is entitled to RA. Standard Form 256, Self-Identification of Disability contains, but not limited to, a list of qualified disabilities and/or serious health conditions.

3. Reasonable Accommodation. 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 as those enjoyed by employees without disabilities.

a. Disability Accommodation is a case-specific and fact-specific process. The EEOC's "Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act" provides controlling guidance on this issue. Whenever dealing with RA requests, consult with the DPM, EEO or the SJA offices.

b. The RA process serves to remove barriers that prevent IWDs from applying for or performing jobs for which they are qualified.

4. Cost and Resources. The CMD will take specific steps to ensure that RA requests are not denied for reasons of cost, and that IWDs are not excluded from employment due to anticipated costs of RA. Other resources, excluding those designated by statute for specific purposes, may allow the CMD to provide an effective RA without undue hardship.

5. Undue Hardship. The CMD does have to provide any accommodation that would pose an undue hardship on the operation of the Agency. Undue hardship focuses on the resources and circumstances of the particular employer in relationship to the cost or difficulty of providing a specific accommodation and refers to RA which are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business.

6. Choosing RA. Choosing appropriate accommodations is best done on a case-by-case basis. Managers and supervisors will interact with the DPM and HRO in considering whether RAs can be provided. Accommodation needs must be evaluated in consideration of an individual's job responsibilities and technical environment (for example, workstation configuration).

a. Needs Assessment. A needs assessment should be conducted to identify accommodations suited to an individual's specific situation. Personnel with disabilities and their supervisors should always be involved in the needs assessment. This assessment should address the following questions:

(1) Job. What are the essential job requirements, and which skills (physical and cognitive) are required for job performance?

(2) Individual. What are the individual's functional limits to meeting job requirements, and are there alternative approaches to meeting essential job requirements.

(3) Solution. What accommodations, compatible with workstation, computer, and telecommunication systems, are available to meet individual's needs, and which alternative approach or accommodation is most suited for an individual in specific work environment.

b. A modification or adjustment is "reasonable" if it is feasible or plausible under the circumstances. An accommodation must also be effective in meeting the needs of the IWD. This means that an RA enables an IWD to perform the essential functions of his/her position.

7. Authorized/Unauthorized RA. The CMD has the authority to choose among possible RAs as long as the chosen RA is effective. The preference of the IWD for approval should be given primary consideration, but the CMD has ultimate approval and discretion to choose effective accommodations.

a. Authorization for an RA is granted as long as the RA is cost efficient, easily provided, and removes the workplace barrier impeding IWDs.

b. Supervisors do not have authorization to approve or disapprove RA requests. Supervisors may not agree to eliminate an essential function, i.e., a fundamental duty of the position. This is because a person with a disability who is unable to perform the essential functions, with or without RA, is not a "qualified" individual with a disability within the meaning of this CMDI. A supervisor is also prohibited from agreeing to RAs consisting of lowering production standards (qualitative or quantitative) and applied uniformly to other employees with and without disabilities. Reasonable Accommodations cannot alter quality or quantity of work.

c. The CMD will not provide the use of personal items needed in accomplishing daily activities both on and off the job as RAs. Thus, the CMD will not provide an employee with a prosthetic limb, a wheelchair, eyeglasses, hearing aids, or similar devices if they are also needed off the job. Furthermore, the CMD will not provide personal use of 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 considered as RA in appropriate cases where they are specifically designed or required to meet job-related, rather than personal, needs.

ENCLOSURE C

TYPES OF REASONABLE ACCOMMODATION

1. Job Performance. There are various types of RAs to assist IWDs in their duty performance. These types include, but are not limited to the following below:

a. Job Restructuring. Job restructuring involves modifications such as reallocating or redistributing marginal job functions that an employee is unable to perform because of a disability or altering when and/or how a function, essential or marginal, is performed.

b. Leave. Leave, (accrued paid or unpaid) is a form of RA when necessitated by an employee's disability. Managers and/or supervisors are not required to provide paid leave beyond what is provided to similarly situated employees. When leave is used as an RA, employees will use accrued paid leave before beginning any allotted unpaid leave. Supervisors should remember that implications may arise regarding Family Emergency and Medical Leave Act (FMLA) when considering leave as RA.

c. Modified or Pat-Time Schedule. Managers and supervisors can modify an individual's schedule to adjust arrival/departure times, provide periodic breaks, allow use of accrued paid leave, or provide additional unpaid leave. Managers and/or supervisors must grant modified or part-time schedules when required as RA, absent undue hardship, even if they are not provided for other employees.

d. Modified Workplace Policies. Modified Workplace Policies constitute as RA when necessitated by an employee's disability-related limitations, absent undue hardship. Modification under these circumstances only applies to IWD and not to other employees within the organization.

2. Reassignment. Reassignment must be considered (absent undue hardship to the organization) for an employee who, because of disability, can no longer perform the essential functions of his/her job (with or without RA) and no other RA is available.

a. Reassignment may be made only to vacant positions. The law does not require agencies to create new positions or move other employees from their jobs to create vacancies. If the employee is qualified for the vacancy, he/she should be reassigned as a RA and not have to compete for it.

b. The DPM will work with HRO to search for available vacancies when considering reassignment.

3. Types of Accommodation. Below are examples of types of accommodations which are divided into the following groups:

- a. For individuals who are deaf or hard of hearing.
 - (1) Amplification devices.
 - (2) Closed-caption decoders and captioning for training tapes.
 - (3) Signaling devices.
 - (4) Teletypewriters (TTYs).
 - (5) TTY modems.
- b. For individuals with visual impairments.
 - (1) Braille displays.
 - (2) Braille embossers.
 - (3) Portable note-takers.
 - (4) Print enlargers.
 - (5) Scanners/readers.
 - (6) Screen readers.
- c. For individuals with impaired dexterity.
 - (1) Alternative input systems.
 - (2) Alternative keyboards.
 - (3) Alternative pointing devices.
 - (4) Keyboard-enhancement programs.
 - (5) Voice-recognition systems.
- d. Training support provided to IWDs.
 - (1) Personal assistants.

- (2) Readers.
- (3) Sign language interpreters.
- (4) Training.

4. Computer/Electronic Accommodation Program. The Computer/Electronic Accommodation Program (CAP) provides assistive technology to support IWDs and Service Members who are ill or injured throughout the Federal Government. The CAP Program offers a variety of assistive technology services to help access information and communication technology including the following:

- a. Buying accommodations to make computer and telecommunications systems accessible to IWDs, as required by Public Laws 99-506 and 100-542.
- b. Providing funds for sign-language interpreters, readers, and personal assistants for employees attending long-term training (2 days or more).
- c. Providing expertise in solving accessibility problems through the use of software, hardware, and other assistive technology.
- d. Providing training and educational support.

5. Ergonomic Assessment. Ergonomic assessments are available to both Federal Civilian and Military Technician employees. No medical or professional certification is required to conduct an ergonomic assessment.

a. Personnel shall notify their immediate supervisor to request an assessment. The supervisor will contact the correct office to schedule an ergonomic assessment, as appropriate.

(1) For personnel under the Army payroll system. Requests are coordinated with the Safety & Occupational Health Office at (916) 914-9077 or (916) 854-1400.

(2) Personnel under the Air Force payroll system. Requests are coordinated with the corresponding Wing safety offices.

b. Supervisors may also conduct ergonomic assessments for their personnel by using the ergonomic checklist Occupational Safety and Health Administration (OSHA) provides at www.osha.gov.

ENCLOSURE D

PERSONAL ASSISTANCE SERVICES

1. Personal Assistance Services (PAS). In addition to RA, personnel are entitled to PAS. The use of PAS provides assistance with performing daily living activities an individual would typically perform if he/she did not have a disability. Activities may include assistance with removing and putting on clothing; eating; and using the restroom.

2. Qualifications for PAS. Federal agencies are only required to provide PAS to IWDs who meet the following criteria:

- a. Are employees of the agency;
- b. Have a targeted disability;
- c. Require the services because of their her targeted disability;
- d. Able to perform essential functions of the job without posing a direct threat to safety once PAS and any required RAs have been provided; and
- e. Services will not impose undue hardship on the agency.

3. Availability of PAS. Section 501 of the Rehabilitation Act requires Federal agencies to provide PAS during work hours and for job-related travel. Work hours also include time an employee teleworks, regardless if an agency's telework program is being provided as RA.

a. Choosing a PAS Provider. Ultimately, an agency chooses a PAS provider but must give primary consideration to an IDW's preference to the extent permitted by law. In some cases, IWDs may have recommendations of PAS providers an agency may consider. Conversely, agencies may also get referrals from local providers.

b. Cost of PAS. PAS are provided to IWDs at no cost. Funding for PAS normally follows the same process as funding for RA. The cost of PAS varies from different locations, including how much assistance an IWD requires. Agencies may structure their budget to fit PAS requirements unless it would impose undue hardship.

4. Requesting PAS. As with an RA request, an IWD may request PAS by informing a manager; supervisor; the DPM; or other suitable proxy that he/she needs PAS due to a medical condition. The IWD will be asked to complete CNG Form 690-50. An IWD does not need to mention Section 501; EEOC regulations; or use terms such as "PAS" or "affirmative action" to trigger the agency's obligation for PAS consideration.

a. Medical Documentation. The Rehabilitation Act prohibits the disclosure of medical information except in certain limited situations. However, information that is otherwise confidential may be used during the PAS process and may be shared with those who need to know to consider PAS. Where it is obvious that an individual who exhibits a targeted disability such as paralysis and missing limbs, the agency may not require medical documentation.

b. Self-Identification Forms. At no time will an agency require an employee to complete any self-identification forms to identify as an IWD with a targeted disability, as a condition for PAS consideration.

5. Disposition of Requests. Upon receipt of PAS requests and pursuant to medical documentation (if applicable), the agency will closely review the requests to determine whether such services are required. Such determination may follow the same process as a RA request.

a. Timeline. As with RA requests, if the PAS request is simple and straightforward with no question of undue hardship to the agency, processing PAS requests should not exceed 45 calendar days. If extenuating circumstances prevent providing the requested PAS within 45 calendar days, the requester will be notified of the reason for the delay plus the anticipated completion date in writing.

b. Denial of PAS. An agency may deny PAS requests if an individual does not meet the following criteria:

- (1) Not an employee of the agency;
- (2) Does not have a targeted disability;
- (3) Targeted disability does not create a need for PAS;
- (4) Requester is not able to perform the essential functions of the job, even with PAS and any RA;
- (5) Requester would create a direct threat to safety on the job, even with PAS or any RA; or

(6) Request would impose undue hardship on the agency due to significant constraints or resources and/or finances.

6. Additional information on PAS can be found at the Job Accommodation Network, Department of Labor, and the EEOC websites.

ENCLOSURE E

INTERACTIVE PROCESS

1. RA Requests. Individuals may contact the HRO at the following: (916) 854-3350, email: ng.ca.caarng.list.j1-hro-benefits@mail.mil and/or reference CMD Manual (CMDM) 9600.02, Federal Reasonable Accommodation Procedure for details on requesting RA.

a. Employees may initiate a request for RA orally or in writing and need not have a particular accommodation in mind before making the request. Although not mandatory, employees are encouraged to complete the CNG Form 690-50, Reasonable Accommodation Request, which has been developed for this process and will be available in alternative formats accessible to IWDs.

b. Job applicants may initiate a request for RA orally or in writing to the CMD at any time before, during, and after the job application process. The need to complete a CNG Form 690-50 is not required.

c. The DPM will assign a tracking number upon receipt of the RA request and provide it to the requestor and the EEO Office within five (5) business days. Requestors may contact the DPM anytime to obtain a status update.

2. RA Initiation. The RA process is initiated when a person with a disability indicates 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, 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. It is also acceptable for a person to state that he/she is having a problem with an established tour of duty because of new medication.

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

b. Requests for RA should ordinarily be addressed to the individual's direct supervisor so that the request can be properly tracked and acted upon. At the individual's discretion, however, the RA request can be made to any of the following: (1) the individual's supervisor; (2) a supervisor or manager in the individual's immediate chain of command; (3) the DPM or (4) in the case of an applicant involved in the application process, any agency employee with whom an applicant has contact. Requests for RA made to individuals or offices other than those listed cannot be properly tracked and may not be processed.

c. First-line supervisors will assist in the RA request, provide administrative data as required, and monitor the disposition of RA requests whenever possible. Each RA request will be different and will have to be considered on a case-by-case basis. However, employees or applicants for employment should be informed as soon as possible about the status of their RA requests, especially if an urgent situation exists.

d. Where an individual has requested a type of RA that they will likely to need on a repeated basis – for example, the assistance of sign language interpreters or readers – the individual will not be required to submit a request for recordkeeping purposes each time the RA is needed. In such cases, the requestor may obtain the RA upon its first approval.

3. Medical Documentation. If the disability and/or need for accommodation are not obvious or already known by the employer, employees or applicants for employment must provide relevant medical information related to the disability (being reviewed) and the requested accommodation, absent extenuating circumstances.

a. Additional health 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 in performing essential functions of the job or how it will enable the IWD to enjoy benefits and privileges of the workplace.

b. The CMD may have a medical expert review the medical information at the CMD's expense.

c. In accordance with the Rehabilitation Act of 1973, medical information may not be requested when:

(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 a disability and his/her functional limitations.

d. The Rehabilitation Act also requires that all medical information be kept confidential. Medical information may only be shared on a need to know basis. When medical information is disclosed to appropriate officials, they must be informed of the confidentiality requirements under law. These officials include:

(1) Supervisors and managers who need to know may be told about necessary restrictions and about the necessary accommodation(s);

(2) First aid and safety personnel may be told if the disability might require emergency treatment;

(3) Government officials investigating the agency's compliance with the Rehabilitation Act;

(4) Workers' compensation offices or insurance carriers; and

(5) Agency EEO officials maintaining records.

e. To maintain confidentiality of medical information and RA requested data, these records should be filed separately from official personnel files or the personnel files maintained in most offices.

4. Disposition of RA Request. Upon receipt of RA requests and pursuant to medical documentation (if applicable), the CMD will closely review the requests to determine whether such services are required, assign a tracking number to the RA request and inform the individual his/her tracking number within five (5) business days.

a. Timeline. Where the RA request is simple and straightforward with no question of undue hardship to the agency, processing of RA requests should not exceed 45 calendar days. Failure to do so may result in violation of the Rehabilitation Act. If there are extenuating circumstances that will preclude providing the requested RA within 45 calendar days, the requester will be notified of the reason for the delay and will be provided the anticipated completion date in writing.

b. Expedited processing. In certain cases, an RA request will require an expedited review and decision due to circumstances which require immediate action. The expedited process enables an applicant or employee to perform certain duties on short notice.

c. Communication. All parties in the RA decision making process will communicate with personnel who have requested RA to include any actions or updates in regards to their requests in the beginning and periodically throughout the interactive process.

d. Approval. Upon approval, the requestor will be informed in writing of the approval and the RA will be implemented at the earliest possible moment. Failure to provide the accommodation in a prompt manner may result in a violation of the Rehabilitation Act. If when all the facts and circumstances known it is reasonably likely that an individual will be entitled to a RA, but cannot be provided immediately, the CMD will provide the individual with an interim accommodation that allows them to perform some or all of the essential functions of the job, absent undue hardship.

e. Disapproved. If an individual's request for RA is denied, he/she must be notified in writing of the reasons. The denial should be written in plain language, specific, and identify the office and official who made the decision. As appropriate, the notice of denial should be provided in alternate format such as large print, braille, etc.

(1) If a specific RA is denied but an alternate RA is offered, the notice should explain specific reason(s) for the denial and why another accommodation is considered to be a good alternative.

(2) The notice must also include an explanation of informal procedures that are available for a review of the denial action. Personnel should be encouraged to first discuss the denial with the person who made the decision. If the requestor is not satisfied, he/she would then have an opportunity to appeal the denial action to the next higher authority. If the matter has still not been resolved to the requestor's satisfaction, there will be an opportunity to proceed into informal resolution procedures by the use of the Alternative Dispute Resolution (ADR) process. The individual challenging the denial of a RA request may participate in the ADR process without having to file an EEO complaint or a Labor Relations grievance.

f. Informal Resolution Procedures and EEO Complaints. The informal procedures discussed above must be in addition to but does not modify or replace the EEO discrimination complaint process. An employee may appeal for reconsideration to the next higher authority within 14 calendar days of receipt of the denial notice. The appeal should be in writing and should contain any additional information or documentation that the employee would like reconsidered. NOTE: there is no requirement that an individual utilize the informal resolution process before contacting the EEO Office or before filing an EEO discrimination complaint.

(1) The informal resolution procedures are strictly voluntary and may not be used to limit an individual's rights. The CMD may not prevent an individual from filing an EEO complaint or a grievance even if he/she is also pursuing the steps detailed in the informal procedures.

(2) The informal procedures do not affect time limits for the EEO discrimination complaint process. Thus, when the CMD denies a RA request, the individual must be notified in writing that if he/she wishes to file an EEO discrimination complaint on the denial action, it must be done within 45 calendar days of receipt of the denial action, even if he/she is pursuing steps detailed in the informal procedures.

5. Record Keeping Requirements. RA records will be maintained for a period of five (5) years.

a. These records will contain the following information:

(1) The specific RA;

(2) The job (occupational series, grade level, and agency component) sought by the requesting applicant or held by the requesting employee;

(3) Whether the accommodation was needed to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of employment;

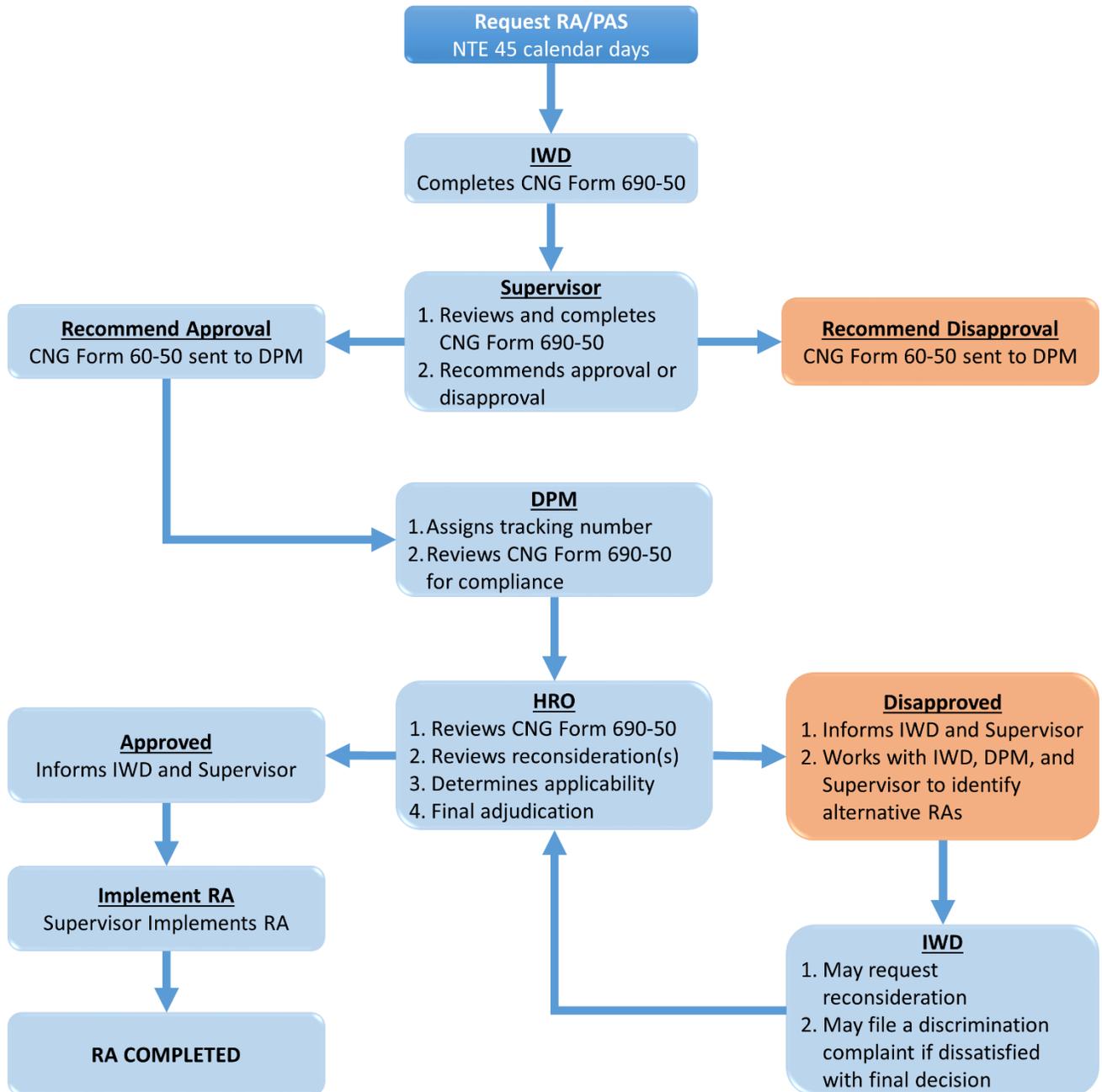
(4) Whether the request was granted (which may include an accommodation different from the one requested) or denied;

(5) If denied, the basis for such denial;

(6) The identity of the deciding official;

(7) The number of days taken to process the request.

INTERACTIVE PROCESS WORKFLOW



ENCLOSURE F

PART I. REFERENCES

- a. American with Disabilities Act of 1990.
- b. American with Disabilities Act (ADA) Amendments Act of 2008.
- c. Rehabilitation Act of 1973, as amended.
- d. Title 5, United States Code (USC), Government Organization and Employees.
- e. Title 32, United States Code (USC), National Guard.
- f. Executive Order 13164, 26 July 2000, "Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation."
- g. Executive Order 13518, 9 November 2009, "Employment of Veterans in Federal Government."
- h. Executive Order 13548, 26 July 2010, "Increasing Federal Employment of Individuals with Disabilities."
- i. Executive Order 13583, 18 August 2011, "Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce."
- j. U.S. Equal Employment Opportunity Commission (EEOC) Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act, dated October 17, 2002.
- k. U.S. Equal Employment Opportunity Commission (EEOC) EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, dated October 20, 2000.

PART II. RELATED

- a. Computer Accommodations Program (CAP) website: <http://www.cap.mil/Default.aspx>
- b. Job Accommodation Network (JAN) website: <https://askjan.org/>

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

ADA	Americans With Disabilities Act
CAP	Computer Accommodations Program
CMD	California Military Department
CMDI	CMD Instruction
CMDM	CMD Manual
DPM	Disability Program Manager
EEO	Equal Employment Opportunity
EEOC	EEO Commission
HRO	Human Resources Office
IWD	Individuals with Disabilities
PAS	Personal Assistance Service
RA	Reasonable Accommodation

PART II. DEFINITIONS

Assistive technology -- products, devices, or equipment used to maintain, increase, or improve the functional capabilities of persons with disabilities.

Direct threat -- a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

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 employees who could perform the function if it were assigned to them, or the function is specialized, so 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 advance of the request for RA, such as back order of necessary equipment or failure of employee's health care professional to timely provide necessary documentation.

Individual With a Disability (IWD) -- a person with a mental or physical disability that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment.

Major life activities -- include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working, as well as the operation of a major bodily function including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Furthermore, episodic impairments or medical conditions that are in remission are nonetheless disabilities if they would substantially limit a major life activity when active.

Personal Assistance Service (PAS) -- Services that help individuals who, because of a targeted disability, require assistance to perform basic activities of daily living like eating and using the restroom, during work hours and job-related travel.

Qualified person with a disability -- an IWD who is qualified with appropriate skills or experience enabling him or her to perform essential functions of a job with or without a RA.

Reasonable Accommodation (RA) -- A reasonable accommodation is any change in the work environment or the way things are usually done that enables an individual with a disability to enjoy Equal Employment Opportunity.

Targeted Disability -- A targeted disability is classified as having severe or serious health conditions such as deafness, blindness, missing extremities, partial paralysis, complete paralysis, convulsive disorders, mental impedance, mental illness, and distortion of limbs and/or spine.

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 costs of accommodation needed, the size and budget of organization, and impact of accommodation on the operations of the agency, in this case, the California National Guard.

Not so obvious (hidden) disability -- A disability that is not readily apparent, such as asthma, arthritis, cancer, chronic depression, chronic fatigue syndrome, diabetes, epilepsy, kidney disease, learning disabilities, and mild mental retardation.

Undue hardship -- Significant difficulty or expense resulting from a RA, considering its nature and cost; size and budget of organization; and impact on the Agency's operations.