



CALIFORNIA MILITARY DEPARTMENT MANUAL

NGCA-JSD-MP
DISTRIBUTION: TA

CMDM 9600.02
1 October 2019

FEDERAL REASONABLE ACCOMMODATION PROCEDURE

1. Purpose. This manual establishes procedures for the California Military Department (CMD) Federal Reasonable Accommodation (RA) in accordance with (IAW) references found in Enclosure E.
2. Cancellation. None.
3. Applicability. This manual applies to all CMD Title 5 and Title 32 federal employees to include job applicants for either status.
4. Procedures. See Enclosures.
5. Summary of Changes. Updated CAL GUARD logo.
6. Releasability. This issuance is approved for public release; distribution is unlimited.
7. Effective Date. This manual is effective upon publication.

BARBARA J. BEEGLES
LTC, LG, CA ARNG
Director, Human Resources Office

Enclosure:

- A – General Information
- B – Request Reasonable Accommodation
- C – Interactive Process Workflow
- D – CNG Form 690-50 Sample
- E – References
- GL – Glossary

ENCLOSURE A

GENERAL INFORMATION

1. California Military Department. The CMD is committed to providing Equal Employment Opportunity (EEO) for Title 5 and Title 32 federal employees (current, former, & applicants) plus other qualified Individuals with Disabilities (IWD). By law, government agencies must provide RA to qualified employees and job applicants with disabilities to ensure they have full access to equal employment opportunities. For the purposes of this manual, 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.
2. Individuals with a Disability. An IWD is defined as a person who has a physical or mental impairment substantially limiting at least one of that individual’s major life activities, e.g., breathing, seeing, thinking, performing manual tasks, interaction with others, caring for oneself; has a record of such an impairment; is regarded as because of a perceived impairment; or is associated with someone with a disability. For the purposes of this manual, the term “IWD” may refer to either the employee, individual, person, or applicant for whom the RA involves, or if he/she is not the actual requestor, it will refer to his/her representative.
3. CMD Instruction (CMDI) 9600.02. Reference CMDI 9600.02, Federal Reasonable Accommodation Policy.
 - a. Explains the RA process pursuant to the Americans with Disabilities Act (ADA) of 1990, ADA Amendments Act of 2008, and the Rehabilitation Act of 1973, as amended. It further explains the requirements of RA as directed by Executive Order 13164, Title 29 of the Code of Federal Regulations, and several EEO Commission (EEOC) enforcement and policy guidance.
 - b. Provides general information on RA.
 - c. Clarifies the responsibilities of all parties and designated representatives involved in the RA process.
 - d. Describes the qualifications for RA, types of RA, and the need for substantiating or supported (medical) documentation.
 - e. Provides a description of RA resources and tools available.

ENCLOSURE B

REQUEST REASONABLE ACCOMMODATION

1. Ergonomic Assessment. Ergonomic assessments are available to federal 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 then contact the appropriate office to schedule an ergonomic assessment, as appropriate.

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

(2) For personnel under the Air Force payroll system, coordinate with 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.

2. Requesting RA. Persons requesting RA will inform their supervisors verbally or in writing. The requester does not have to use any particular words, cite the Rehabilitation Act of 1973, or even use the term “reasonable accommodation.” Supervisors must understand that IWDs are within their rights to request RA due to a medical condition.

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

b. Job applicants also initiate a request for RA orally or in writing to the CMD at any time before, during, and after the job application process.

c. Current employees and their supervisors are encouraged to complete the CNG Form 690-50, Request and Authorization for Reasonable Accommodation and submit the form to the Disability Program Manager (DPM). The CNG Form 690-50 can be retrieved from <https://calguard.ca.gov/hrolib/>. See Enclosure D for samples.

(1) PART I. This section is to be completed by the requestor to the best of his/her ability.

1 October 2019

(2) PART II. This section will be completed by the supervisor after engaging in the interactive process with the requestor and the DPM. During this time, discussion may include a needs assessment; what skills are required to perform essential job functions; how the requestor's disability limits his/her work abilities; alternative RAs; and other questions/concerns. Supplemental medical information may be requested to understand the nature of the disability and/or how the RA will assist the requestor in specific jobs. Personal information will be kept confidential and shared only on a need to know basis. Supervisors will then submit the CNG Form 690-50 to the DPM at:

Joint Force Headquarters ATTN: HRO, Box 37 9800 Goethe Road Sacramento, CA 95827-9101	Via encrypted email: ng.ca.caarng.list.j1-hro-benefits@mail.mil
--	--

(3) PART III. This section will be completed by the HRO, which reviews and provides final adjudication authority for all RA requests. Its main phone line is (916) 854-3350.

3. Disposition of RA Request. Once the RA request form and possible supplemental documentation are received, the DPM will assign a tracking number and inform the requestor and the EEO Office of it within five (5) business days.

a. Processing RA requests should not exceed 45 calendar days. If extenuating circumstances prevent providing the requested RA within 45 calendar days, the requester will be notified of the reason and anticipated completion date in writing.

b. Expedited processing. In certain cases, RA requests will need expedited reviews and decisions due to circumstances requiring immediate action to enable applicants/employees to perform certain duties on short notice.

c. Please note that RAs may be denied if they result in an undue hardship to the Agency. If the RA request is denied, the HRO, requester, supervisor, and the DPM will work together to find alternative solutions if possible.

4. Approved RA. The HRO will inform the requestor and his/her supervisor in writing of the approval, and the RA will be implemented at the earliest possible time. If the RA cannot be provided immediately, the CMD will provide the requestor with an interim accommodation allowing him/her to perform some/all of the essential functions of the job, absent undue hardship.

5. Denials of RA.

a. If an individual's request for RA is denied, the HRO will inform the requestor and his/her supervisor in writing plus give an explanation of why it was denied. If a specific RA is denied but an alternate one is offered, the notice will explain why another accommodation is suggested.

b. Individuals will have the following options listed below.

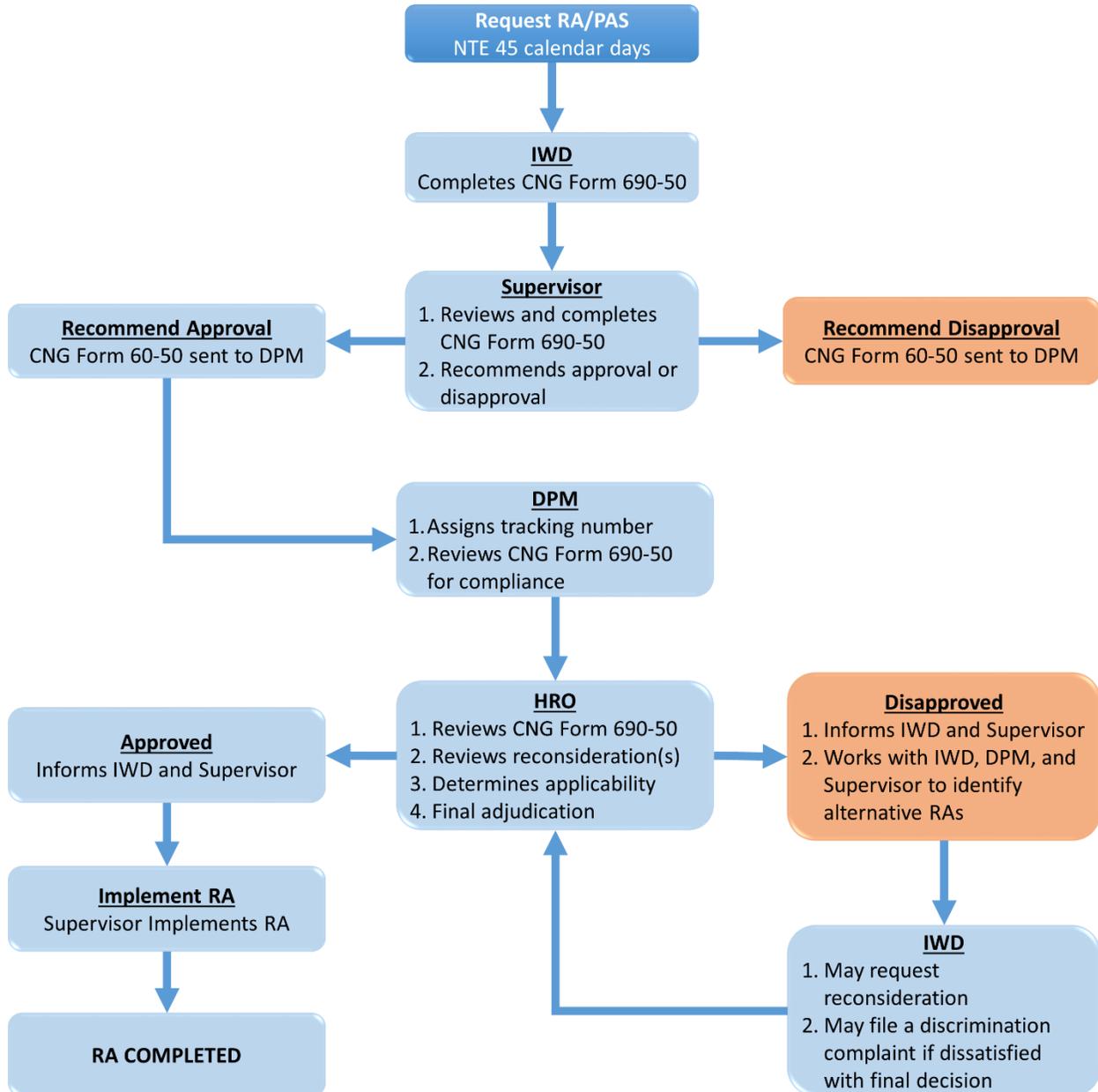
(1) Appeal the denial action and request for reconsideration to the HRO or the next higher authority.

(2) Use the Alternative Dispute Resolution (ADR) process. The recommended ADR component is the mediation process to identify remedial actions or solutions.

(3) File an EEO discrimination complaint within 45 calendar days of the denial notice.

ENCLOSURE C

INTERACTIVE PROCESS WORKFLOW



ENCLOSURE D
CNG FORM 690-50, SAMPLE

REQUEST AND AUTHORIZATION FOR REASONABLE ACCOMODATION (RA)		RA FOR DPM USE
The proponent agency is the Directorate for Human Resources. For use of this form, see CMDM 9600.01, Reasonable Accommodation Procedure		
PRIVACY ACT STATEMENT		
<p>The California National Guard 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 the request.</p> <p>(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).</p> <p>(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).</p> <p>(3) Appropriate administration plus technical and physical safeguards must be followed to insure the security and confidentiality of records. They must also protect against any anticipated threats or hazards to their security and integrity. Not safeguarding sensitive information appropriately could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual from which information is maintained, 5 USC 522a (e) (10).</p>		
PART I TO BE COMPLETED BY THE EMPLOYEE/REQUESTOR		
I am a person with a disability who is requesting a Reasonable Accommodation and or Personal Assistance Services under the Rehabilitation Act of 1973, as amended. PLEASE SELECT BELOW:		
<input type="checkbox"/> Reasonable Accommodation <input type="checkbox"/> Personal Assistance Service		
1. Name	2. Pay Plan-Series-Grade	3. Position Title
4. Organization		5. Contact Phone Number(s)
I have the condition(s) described below:		
6. Condition(s): Describe condition(s) for which accommodation(s) is/are needed.		
7. Situation or Job Task(s): Describe employment situation, i.e., job tasks that keeps you from performing essential job functions.		
8. Accommodation(s) Requested: Identify suggested accommodation(s). Provide recommendations for alternative accommodation(s)		
9. Signature of Requestor		10. Date
Warning: Information contained in this document is protected by the Privacy Act (5USC 552a)		

CNG FORM 690-50, SAMPLE

PART II TO BE COMPLETED BY THE SUPERVISOR	
11. Supervisor Name	12. Contact Phone Number(s)
13. Requested accommodation(s): (a) Written <input type="checkbox"/> YES (attach copy) <input type="checkbox"/> NO (b) Oral <input type="checkbox"/> YES (attach supervisor documentation) <input type="checkbox"/> NO (c) Date: _____ (d) Name of employee/applicant or designated representative: _____ If requestor is a designated representative, provide name/address/phone contact and relationship (e) Position/Title for which request is being made: _____	
14. Employee's stated accommodation:	
15. What is the nature of the disability?	
16. Is the disability and need for accommodation obvious? <input type="checkbox"/> YES <input type="checkbox"/> NO	
17. Has employee provided medical information relative to stated disability in the past? <input type="checkbox"/> YES Date Received _____ <input type="checkbox"/> NO If the answer to both blocks 16 and 17 are "no," coordinate with employee to gather supported medical documentation	
18. Supervisor's recommendation(s): <input type="checkbox"/> Approve (comments are optional) <input type="checkbox"/> Disapprove (mandatory comments required) Comments:	
19. Supervisor Signature	20. Date
Warning: Information contained in this document is protected by the Privacy Act (5USC 552a)	

CNG FORM 690-50, SAMPLE

PART III TO BE COMPLETED BY THE DPM AND/OR THE HRO			
21. Date submitted	22. Date received	23. Date of medical information	24. Date medical information received
<p>25. Meeting with employee:</p> <p>(1) Is a meeting needed to clarify needs? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>(2) Coordinated with Labor Relations before meeting with employee to determine obligation to invite bargaining unit representative? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>(3) Date of meeting _____</p> <p>(4) Narrative describing discussion with employee (This may include list of job duties affected. If duties impacted are considered essential elements of employee's position, can accommodations be made to enable the employee to perform these tasks?)</p>			
<p>26. List possible accommodations (if applicable):</p>			
<p>27. Coordinate with Disability Program Manager</p> <p>(1) Date of meeting _____</p> <p>(2) Narrative describing discussion-for example, does employee have a physical or mental stability that substantially limits one or more of major life activities? Which accommodations are available/reasonable? Is there is a need to consult with a resource outside agency (e.g., Computer Electronic Accommodation Program-CAP, Appendix F)? Who has control over the resources? Who will make the decision? Must a union official be notified before implementing an accommodation?</p>			
Warning: Information contained in this document is protected by the Privacy Act (5USC 552a)			

CNG FORM 690-50, SAMPLE

PART III CONTINUED	
28. Alternative Actions/Accommodations Recommendations:	
29. Alternative Actions/Accommodations:	
<p style="margin-left: 40px;">Are any of listed accommodations an undue hardship? (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 why accommodation would cause significant difficulty or expense to CNG). If so, explain:</p>	
30. Accommodations chosen, if any (explain reason for choice):	
31. Coordinate with other organizational elements, as applicable, i.e., Occupational Safety Office, CAP, HRO staff, PAS, etc. If any of the possible accommodations require resources outside control of supervisor, facilities and fiscal managers should be included:	
32. HRO Action: <input type="checkbox"/> Approve (COMMENTS OPTIONAL) <small>COMPLETE REMAINING BLOCKS</small> <input type="checkbox"/> Disapprove (COMMENTS MANDATORY) <small>ONLY COMPLETE BLOCKS 36 through 38</small>	
Comments or Additional Notes:	
33. Effective Date	34. Associated Cost (if applicable)
35. Duration of accommodation (select one): <input type="checkbox"/> Permanent <input type="checkbox"/> Temporary (specify in days and months):	
36. Name of Official	
37. Signature of Official	38. Date
<small>Warning: Information contained in this document is protected by the Privacy Act (5USC 552a)</small>	

ENCLOSURE E

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 Disability 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	Individual 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/her to perform essential functions of a job with or without 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.