



DEPARTMENT OF THE ARMY  
UNITED STATES ARMY INTELLIGENCE CENTER OF EXCELLENCE AND FORT HUACHUCA  
1903 HATFIELD STREET  
FORT HUACHUCA, ARIZONA 85613-7000

ATZS-CG

5 November 2015

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: POLICY 15-31 – Fort Huachuca Reasonable Accommodation (Disability)

1. REFERENCES.

- a. Section 501 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791.
- b. The Americans with Disabilities Act (ADA) of 1990, amended 2008.
- c. Executive Order 13164, Requiring Federal Agencies to Establish Procedures to facilitate the Provision of Reasonable Accommodation, 26 July 2000.
- d. Equal Employment Opportunity Commission (EEOC) Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, 20 October 2000.
- e. EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act, 17 October 2002.
- f. AR 690-12, Equal Employment Opportunity and Affirmative Action, 4 March 1988.
- g. US Army Procedures for Providing Reasonable Accommodation for Individuals with Disabilities, 17 March 2009.
- h. Genetic Information Antidiscrimination Act of 2008 (GINA).
- i. Title 29 Code of Federal Regulations, Part 1630.
- j. Title 29 Code of Federal Regulations, Part 1635.

2. KEY TERMS.

a. Agency/Employer. A department or other instrumentality of the executive branch of the federal government.

b. Decision Maker. An agency official within the employee's chain of command, usually the employee's immediate supervisor. In the case of an applicant, the decision maker will usually be the selecting official or an agency official in the selecting official's chain of command, or a Civilian Personnel Advisory Center staff member assigned to process the vacancy.

c. Disability. Under ADA, an individual with a disability is a person who: (1) has a physical or mental impairment that substantially limits one or more major life activities; OR (2) has a record of such an impairment; OR (3) is regarded as having such an impairment.

ATZS-CG

SUBJECT: POLICY 15-31 – Fort Huachuca Reasonable Accommodation (Disability)

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

- (1) Modifications or adjustments to the application process;
- (2) Modifications or adjustments necessary to perform the essential functions of the job;
- (3) Modifications or adjustments that enable individuals with disabilities to enjoy equal benefits and privileges of employment, e.g., removing physical barriers, providing technology or assistive devices.

e. Undue Hardship. As defined by the ADA, an accommodation is an undue hardship if it were to cause significant difficulty or expense in relation to the size of the employer, the resources available, and the nature of the operation. It is always to be determined on a case-by-case basis by considering whether the accommodation would be unduly costly, extensive, substantial, disruptive, or would fundamentally alter the nature or operation of the business.

3. APPLICABILITY. This policy covers all Department of the Army Civilians serviced by the installation Equal Employment Opportunity (EEO) Office.

#### 4. POLICY.

a. As a model employer, I fully support reasonable accommodation for qualified individuals with disabilities. Supervisors will reasonably accommodate the known physical or mental limitations of employees with disabilities or otherwise qualified applicants for employment unless doing so would cause an undue hardship.

b. The responsibility to request a reasonable accommodation rests with the employee or applicant who has identified a need for accommodation. Employees may begin the process with a request for reasonable accommodation made to a manager or supervisor in his or her chain of command, the EEO Office or the Civilian Personnel Advisory Center (CPAC). Applicants for employment should contact the CPAC for assistance. Decisions on making accommodation(s) will be made on a case-by-case basis.

c. The employer's duty to accommodate is a continuing one which may not always be exhausted by one effort. The employer must be flexible and interact with the

ATZS-CG

SUBJECT: POLICY 15-31 – Fort Huachuca Reasonable Accommodation (Disability)

employee and responsible agencies as part of a process to find a reasonable accommodation for qualified civilian employees with disabilities.

## 5. PROCEDURES.

a. A request for reasonable accommodation is a statement that an individual needs an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to a disability. The reasonable accommodation process begins as soon as the request for accommodation is made.

b. Employees may initiate requests for reasonable accommodation with a manager or supervisor in the employee's chain of command, CPAC or the EEO Office. A request for reasonable accommodation is a statement, verbal or written, from an employee (or an employee's family member on behalf of the employee) who needs an adjustment or change at work as a condition of employment for a reason related to a disability, either long term or short term. According to the EEOC, an individual may use "plain English" and need not mention the Americans with Disabilities Act (ADA) or use the phrase "reasonable accommodation" when requesting an accommodation.

c. Applicants for employment will contact the CPAC for assistance. Procedures for processing reasonable accommodation and medical determination related to employment requests are outlined in CPAC regulations and or procedures.

d. An ad hoc Reasonable Accommodations Committee will have as standing members, at a minimum, a representative from the CPAC, EEO Office, Office of the Staff Judge Advocate, and the immediate supervisor of the requesting employee. This committee will serve to assist supervisors with requests for accommodation and will assemble on an as-needed basis. Representatives from other offices will be consulted as appropriate. The CPAC and the EEO office will work in partnership with each other on any reasonable accommodation requests brought to this level of visibility.

e. Supervisors will receive the employee's request for a reasonable accommodation and process it in a prompt, fair, and efficient manner. The supervisor will determine whether the request is for a condition of employment accommodation or for an assistive device, technology, or physical barrier accommodation. Before any accommodation decision is made, or a request is denied, the supervisor will consult with the CPAC or EEO Office. Action on a request will be kept at the lowest level and, wherever possible, the supervisor will be the decision maker. Denials of requests for accommodation will be made in writing and will be reviewed by the appropriate ad hoc committee member(s) prior to issuance.

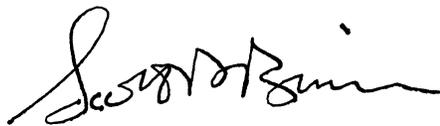
ATZS-CG

SUBJECT: POLICY 15-31 – Fort Huachuca Reasonable Accommodation (Disability)

f. The CPAC, US Army Garrison and all partner organizations will forward data on all requests for reasonable accommodation, regardless of disposition, to the installation EEO Office. The EEO Office is responsible for maintaining recordkeeping and a reporting system on all requests. In order to fulfill that responsibility, the EEO office will be provided the following information: (1) the names of both the supervisor and requesting employee, their organization, the date the request was made to the supervisor and what accommodation was requested by the employee. (2) What accommodation was provided, the amount of government funds expended, the date the accommodation was made or denied, and if it was denied, the reason for the denial.

6. This memorandum supersedes Fort Huachuca POLICY 13-31 – Reasonable Accommodation (Disability), 4 June 2013.

7. PROPONENT. Proponent for this policy is the Fort Huachuca EEO Office, 533-2028.



SCOTT D. BERRIER  
Major General, USA  
Commanding

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