

Laws and Requirements

- The Americans with Disabilities Act (ADA) requires employers to provide reasonable accommodations to applicants and employees who are qualified individuals with disabilities, unless such accommodations would cause an undue hardship to the employer.
- Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating against individuals because of their religion (or lack of religious belief) and requires employers to reasonably accommodate the religious beliefs and practices of applicants and employees, unless doing so would cause an undue hardship to the employer.

DHA Commitment

- The Defense Health Agency (DHA) is committed to providing Reasonable Accommodations (RAs) to all DoD-supported employees and applicants for employment in order to assure that qualified individuals with disabilities, permanent or temporary, and an individual with a sincerely held religious belief have full access to equal employment opportunities.

Aspects of Employment

- A reasonable accommodation is required in three aspects of employment:



1. Ensure equal opportunity in the application process,
2. Enable a qualified individual with a disability or sincerely held religious belief to perform the essential functions of a job, and
3. Enable an employee with a disability or sincerely held religious belief the opportunity to enjoy equal benefits and privileges of employment

Common Types of Accommodation

but not limited to...

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| <ul style="list-style-type: none">• Making facilities accessible• Acquiring assistive devices• Modifying work schedules• Restructuring a job• Permitting use of leave | <ul style="list-style-type: none">• Modification of exam or training materials• Providing readers or interpreters• Personal Assistant Services• Reassignment (last resort) |
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Dispute Resolution & EEO Complaints

1. An informal dispute resolution process is a voluntary mechanism through which an employee can request reconsideration of a denial of RA, regardless of whether the person has started the EEO Complaint Process.
2. An individual whose request for accommodation has been denied and believe they have been discriminated against because of their (1) disability, (2) sincerely held religious belief, or (3) who seek redress may file an EEO Complaint in accordance with DHA EEO Complaints of Discrimination processes.
3. An employee filing an EEO Complaint may also request the use of ADR at any stage of the complaint process.
4. For an EEO complaint pursuant to Code of Federal Regulation, Title 29, Part 1614, contact the servicing EEO office within 45 days from the date of notice.

Regulatory Guidance

- Rehabilitation Act of 1973
- Title VII of the Civil Rights Act 06 1964
- Americans with Disabilities Act of 1990 (ADA)
- Americans With Disabilities Act Amendment Act (ADAAA) of 2008
- Executive Order 13164
- Equal Employment Opportunity Commission (EEOC) Enforcement Guidance on Reasonable Accommodation
- DHA Reasonable Accommodation Policy Guidance



Additional Information

Questions concerning reasonable accommodations may be directed to your servicing EEO Office or may be found at:

EMAIL: dha.ncr.eeo.list.dpm@mail.mil

<https://info.health.mil/cos/EODM/DPM-RA/Pages/DPM-RA.aspx>



Defense Health Agency



Reasonable Accommodation (RA)

- Disability & Religious -

Defense Health Agency

Employee/Applicant Responsibilities

- The employee may initiate a reasonable accommodation request to his or her supervisor, any supervisor or manager in his/her chain of command, or the EODM Division:
 - 1.Orally
 - 2.In writing
 - 3.Other mode of communication
 - 4.A third-party
- An applicant requesting an accommodation must make the request for the accommodation through the agency or the individual scheduling or conducting the employment interview. *The agency or individual conducting the interview must complete the DHA Form 31, on behalf of the requesting individual for employment.*
- The employee/applicant must participate in the interactive process and describe the accommodation needed.

Management Responsibilities

- Supervisors/Decision Makers or Human Resources Specialists receiving requests must ensure the DHA Form 31 is completed for record keeping and reporting purposes.
- Supervisors/Decision Makers are responsible for approving reasonable accommodation(s) whenever possible at the lowest level of management.
- Appropriately secure/protect medical information about employees in confidential area not easily accessible by other staff members.

Undue Hardship

- Accommodation would impose “significant difficulty or expense on the Agency”, and/or
- Significantly alter or disrupt the nature of the Agencies business or pose a safety concern.
- Proof that one specific accommodation would impose an undue hardship, does not absolve an agency from considering other proposed or potential reasonable accommodation(s).

DHA Form 31 Processing

- DHA Form 31 will be used to initiate all RA requests.
- A requests for RA will be processed by the servicing RA representative or EEO Office.
- Each request will be forwarded to the DHA Disability Program Manager (dha.ncr.eeo.list.dpm@mail.mil) for a document number and tracking purposes.

Reasonable Accommodation Process

1. Employee makes reasonable accommodation request.
2. Interactive discussion on potential accommodation(s) with Decision Maker.
3. Decision Maker will...
 - (a) Determine the essential functions of the employee's/applicant's job.
 - (b) Request supporting documentation (in writing) for accommodation(s) being requested (medical or religious).
 - (c) Discuss plan of action with next level supervisor or supporting RA representative, as needed.
 - (d) Selects most appropriate accommodation based on the accommodation requested by the employee/applicant and the needs of the Agency.
 - (e) If Decision Maker cannot make a decision, request should be elevated to the next authority in the supervisory chain.
4. Decision Maker issue appropriate notification (in writing) to employee/applicant.

\$ DHA and Assigned Activities will be responsible for funding all procurement-related request not available through DoD Computer/Electronic Accommodations Program (CAP).

Confidentiality (Medical / Religious)

- Agencies must ensure Decision Makers must keep supporting information (medical and/or religious) about employees confidential.
- Other employees/applicants do not have a right to know about co-worker's reasonable accommodation (medical and/or religious), even when reasonable accommodations that affect them are involved.

TimeLine

- DHA and Assigned Activities will process request for RA within 30 business days from the date of request, absent any extenuating circumstances.

Extenuating circumstances are situations that could not reasonably have been anticipated or avoided in advance of the request for accommodation, or are beyond the requestor's or decision maker's ability to control.

- Religious request must be submitted no later than 30 business days prior to event or practice.

- If the person receiving the request for RA does not have authority to approve the request, the request must be forward, within 2 business days, to the appropriate decision-making authority to process.

Reassignment

- Reassignment is the accommodation of last resort for the Agency when all other efforts to accommodate have been resolved.
- Reassignment may only be made to a vacant position of the same grade; can not result in non-competitive promotion.
- Reassignment is only available if no accommodations are available to enable the requestor to perform the essential functions of the position and/or if providing an accommodation would cause undue hardship on the Agency.

Denial of Request for Accommodation

- The Decision Maker must provide documentation that demonstrates the Agencies efforts to explore available options with the requestor.
- All “Denial of Reasonable Accommodation” must be reviewed by the servicing Legal Office prior to notifying the requestor of the denial decision.
- Notification of denial must be written in plain language and must state:
 1. Specific reason for denial;
 2. Why the requested accommodation would be ineffective; and
 3. Why the requested accommodation would pose an undue hardship on the Agency.