



DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY

27130 TELEGRAPH ROAD
QUANTICO, VA 22134-6801

March 26, 2024

MEMORANDUM FOR ALL DCSA EMPLOYEES

SUBJECT: Personal Assistance Services

References: (a) EEOC Policy Statement, "Procedures for Providing Personal Assistance Services for Individuals with Disabilities," current edition
(b) DCSA Instruction [08-12](#), "Reasonable Accommodation Program," January 12, 2022

Point of Contact: Diversity and Equal Opportunity (DEO) Office, dcsa.eeo@mail.mil

Background. Section 501 of the Rehabilitation Act of 1973 prohibits Federal agencies from discriminating against individuals with disabilities in employment and requires agencies to engage in affirmative action on behalf of individuals with disabilities in order to promote their hiring, promotion, and retention. Federal agencies are required to provide "personal assistance services" (PAS) as a form of affirmative action for people with disabilities.¹ The Equal Employment Opportunity Commission's *Final Rule on Affirmative Actions for Individuals with Disabilities in Federal Employment* clarifies the obligations that the Rehabilitation Act imposes on Federal agencies, as employers, that are over and above the obligation not to discriminate on the basis of disability.

Applicability. This guidance applies to DCSA employees.

Policy. PAS provides employees with *targeted disabilities*² "assistance with performing activities of daily living that an individual would typically perform if they did not have a disability, and that is not otherwise required as a reasonable accommodation, including, for example, assistance with removing and putting on clothing, eating, and using the restroom."³ PAS does not include performing medical procedures, such as administering shots, or medical monitoring, such as monitoring blood pressure. DCSA will provide PAS if:

1. an employee requires these services because of a "targeted disability;"
2. provision of these services would, together with any reasonable accommodations required, enable an employee to perform the essential functions of a position the individual holds or desires; and
3. provision of such services would not impose an undue hardship on DCSA.⁴

¹ 29 C.F.R. §1614.203(d)(5)(i). For more information on the obligation to provide PAS, see EEOC's Q&A document at <https://www1.eeoc.gov/federal/directives/personal-assistance-services.cfm>.

² A "targeted disability" is one that is designated as a "targeted disability or serious health condition" on the U.S. Office of Personnel Management's Standard Form 256: https://www.opm.gov/Forms/pdf_fill/sf256.pdf.

³ 29 C.F.R. §1614.203(a)(5).

⁴ 29 C.F.R. §1614.203(d)(5)(i)(A-C).

PAS must be performed by a personal assistance service provider. PAS must be provided to employees who need services when participating in employer-sponsored events, while teleworking (whether under a telework agreement or as a reasonable accommodation), and while on official travel (during both duty and off-duty hours).

Employees who require PAS for job-related travel must request those services specifically, even if they already receive PAS for their regular duty days in the office or while teleworking. This ensures services are tailored according to the employee's needs for that travel, as PAS requirements may differ from those provided during a regular duty day. Since PAS for job-related travel is also considered a form of reasonable accommodation, requests for these services will be handled as requests for reasonable accommodation.

Employees do not need to determine whether their need is a reasonable accommodation or PAS; they should simply contact their immediate supervisor or DCSA's disability program manager (DPM) and explain what they need. Employees are not required to use any special language such as "Section 501," or the EEOC's regulations explicitly, or use terms such as "PAS" or "affirmative action" to trigger DCSA's obligation to consider the request. DCSA prohibits taking any adverse action against job applicants or employees based on their need, or perceived need, for PAS.

DCSA has designated a DPM, Ms. Lorraine Lupo, to facilitate the PAS and reasonable accommodation processes, to request and review medical information as necessary, and to provide guidance and direction to supervisors/managers on the process. The DPM will determine whether the request is for reasonable accommodation or PAS and advise accordingly. The first-level supervisor is the decision authority and consults with the DPM. The DPM assists supervisors/managers and employees on requests for PAS.

DCSA uses the same general procedures and timelines for PAS as for processing reasonable accommodation requests. The guidance in reference (b) also applies to requesting PAS. Information is also available at <https://dod365.sharepoint-mil.us/sites/DCSA-DEO>.

"Undue hardship" considers the nature, extent, and cost of an accommodation or of providing personal assistance services in relation to an agency's overall resources, as well as operational impact of the accommodation or of the requirement to provide PAS. Determination of undue hardship is always made on a case-by-case basis, and in coordination with the DPM and Office of General Counsel.

A copy of this policy will be posted on the intranet and all DCSA bulletin boards, and will be distributed to all new employees as part of their on-boarding process during their first 2 weeks of work. Alternative formats of this memorandum are available from the DPM upon request.⁵

For additional information concerning PAS policy and procedures, please contact the DEO Office or Ms. Lorraine Lupo, DCSA DPM, at lorraine.a.lupo.civ@mail.mil. Employees

⁵ Adopted from EEOC PAS policy statement https://www.eeoc.gov/eeoc/internal/personal_assistance_services.cfm

or applicants who believe they have been discriminated against have the right to file a complaint with the DEO office by contacting Ms. Yolanda King, EEO Complaints Manager, at yolanda.m.king.civ@mail.mil or (571) 305-6734.

A handwritten signature in black ink, appearing to read "Dm Cattler". The signature is written in a cursive, somewhat stylized font.

David M. Cattler
Director