



## DCSA INSTRUCTION 08-12

# REASONABLE ACCOMMODATION PROGRAM

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**Originating Component:** Diversity and Equal Opportunity Office

**Effective:** January 12, 2022

**Releasability:** Cleared for public release. Available on the internal policy library.

**Reissues and Cancels:** DSS Regulation 08-12, "Procedures for Providing Reasonable Accommodation for Employees or applicants with Disabilities," April 5, 2004

**Approved by:** William K. Lietzau, Director

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**Purpose:** This instruction establishes policies, assigns responsibilities, and prescribes procedures within DCSA for the Reasonable Accommodation Program pursuant to Executive Order 13164 and Public Law 110-325, hereafter referred to as the Americans with Disabilities Act Amendments Act of 2008 (ADAAA) and in accordance with Public Law 93-112, hereafter referred to as the Rehabilitation Act of 1973.

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## SECTION 1: GENERAL ISSUANCE INFORMATION

**1.1. APPLICABILITY.** This instruction applies to all organizational entities within DCSA, including any Government employee (permanent, temporary, or probationary) or job applicant to a DCSA civilian position.

### 1.2. POLICY.

a. This program will provide for reasonable accommodations for known physical or mental limitations of otherwise qualified employees and applicants with disabilities. Under the Rehabilitation Act of 1973, Government agencies must provide reasonable accommodations to qualified employees and job applicants with disabilities unless doing so causes an undue hardship.

b. DCSA will provide reasonable accommodations to employees and applicants for employment to assure that individuals with disabilities receive full access to equal employment opportunity (EEO). In providing reasonable accommodations, the Agency will epitomize fair employment practices for qualified individuals with disabilities to strengthen its established commitment and ability to provide full consideration to the recruiting, hiring, placement, advancement and all other aspects of the employment process to qualified individuals with disabilities.

c. Additional information regarding the rights and responsibilities of employees who request reasonable accommodation, as well as the responsibilities of Government agencies in responding to those requests, is provided in the Equal Employment Opportunity Commission's (EEOC) "Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act" available at <https://www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada>.

**1.3. INFORMATION COLLECTIONS.** DCSA Form 236, "Request for Reasonable Accommodation," has been assigned report control symbol DCSA-0074; and DCSA Form 312, "Medical Inquiry Form in Response to an Accommodation Request," has been assigned report control symbol DCSA-0021 in accordance with the procedures in Volume 1 of DoD Manual 8910.01.

## SECTION 2: RESPONSIBILITIES

### 2.1. DIRECTOR, DCSA. The Director, DCSA:

- a. Holds all management officials accountable for achieving the objectives of this instruction.
- b. Promotes the use of reasonable accommodations throughout DCSA.
- c. Provides sufficient resources for efficient and successful operation of the Reasonable Accommodation Program.
- d. Guarantees provisions for mandatory reasonable accommodation training for all supervisors.

### 2.2. SENIOR LEADERS. Senior leaders must:

- a. Widely disseminate and implement reasonable accommodation procedures at all levels within their offices or directorates.
- b. Support and promote reasonable accommodation procedures and remain informed of, and sensitive to, accommodations made within their areas of responsibility.
- c. Take proactive measures to ensure all employees, job applicants, and approving officials comply with the reasonable accommodations procedures.
- d. Verify that personnel who interact with job applicants understand how to recognize and process reasonable accommodation requests.

### 2.3. CHIEF, DIVERSITY AND EQUAL OPPORTUNITY (DEO). The Chief, DEO:

- a. Advises and reports findings to the Director, DCSA on disability discrimination and other matters arising from implementation of this Instruction.
- b. Adequately staffs the DEO office to implement a robust and compliant program.
- c. Maintains a firewall between the Reasonable Accommodation Program and the EEO complaint process.
- d. Through the Disability Program Manager (DPM), the DEO Chief:
  - (1) Provides guidance and advice concerning equality of opportunity for persons with disabilities in all aspects of employment, including information about new requirements and changes in disability laws.

(2) Protects the employee's right to privacy and limits access to accommodation-related information to those individuals with a need to know.

(3) Compiles and maintains data for reporting requirements to Congress, the EEOC, and the Office of the Principal Deputy Under Secretary of Defense for Personnel and Readiness regarding the DCSA's reasonable accommodation activity.

(4) Provides training to DCSA employees on the reasonable accommodation process and assists the Human Capital Management Office (HCMO) in training new employees and supervisors on reasonable accommodation procedures.

(5) Updates and annually publishes procedures for the Reasonable Accommodation Program on the internet and intranet, and submits the procedures to the EEOC.

(6) Surveys the DCSA workforce annually with regard to disability status.

(7) Collaborates with HCMO, GC, IG, managers and supervisors, and other officials, as appropriate, in carrying out this policy.

#### **2.4. CHIEF INFORMATION OFFICER (CIO).** The CIO:

a. Provides the necessary information regarding assistive technology (hardware and software) pertaining to reasonable accommodation requests.

b. Authorizes assistive technology from the DoD Computer/Electronic Accommodations Program (CAP) or an effective alternative within 5 business days after receiving the specific technology request. Additionally, the CIO recommends alternative solutions, offered through CAP or for DCSA purchase, when the requested technology is not compatible with DCSA system requirements.

c. Acquires assistive technology for an approved reasonable accommodation request, when appropriate, in coordination with the Office of Acquisition and Contracting.

d. In collaboration with DPM, publishes the accessibility statement annually on the internet and intranet.

e. Protects employees' right to privacy and limits access to accommodation related information to those individuals with a need to know.

#### **2.5. CHIEF, LOGISTICS MANAGEMENT DIVISION (LMD).** The Chief, LMD, working collaboratively with employees requesting a reasonable accommodation, requesting employees' supervisors, and representatives from DEO, HCMO, Security, Acquisitions, Financial Management, and CIO, as appropriate:

a. Processes requests for furniture and equipment for approved reasonable accommodations.

b. Coordinates with the appropriate building or facilities management personnel to modify an employee's existing workspace.

c. Protects employees' right to privacy and limits access to accommodation-related information to those individuals with a need to know

**2.6. CHIEF HUMAN CAPITAL OFFICER (CHCO).** The CHCO, in coordination with DEO, Office of General Counsel (OGC), Security, and OCIO, as appropriate:

a. Ensures job applicants receive reasonable accommodations required to apply for DCSA positions.

b. Collaborates with the DPM on cases involving disciplinary actions, performance-based actions, and leave requests in situations where an employee involved requested or requests a reasonable accommodation.

c. Collaborates with the DPM on cases involving all forms of leave related to an employee's medical condition and Federal Employees' Compensation Act claim.

d. In cases of reassignment as reasonable accommodation, searches for valid, vacant, or imminently vacant positions for which the requesting employee is qualified to fill.

e. Compiles data for the DPM regarding reasonable accommodation requests from job applicants.

f. Incorporates reasonable accommodation training into the Agency training schedule, new employee orientation, and supervisory training.

g. Trains HCMO personnel involved in recruitment and in the application process to recognize requests for reasonable accommodation and to handle them appropriately.

h. Collaborates with the reasonable accommodation coordinator (RAC), LMD, Security, other supporting entities, approving officials, and employees, when applicable, to facilitate timely issuance of accommodation solutions.

i. Develops procedures for HCMO personnel to ensure the employee's reasonable accommodation, including medical documentation, is not included in the employee's official personnel files.

j. Establishes procedures that protect an employee's right to privacy and limits access to accommodation-related information to those individuals with a need to know.

## SECTION 3: REASONABLE ACCOMMODATIONS

**3.1. GENERAL** An accommodation is an adjustment or alteration that enables a qualified individual with a disability to apply for a job, perform job duties, or enjoy benefits and privileges of employment. There are three categories of reasonable accommodation:

a. Modification or adjustment to a job application process or the allowance of an individual with a disability to be considered for a job, such as providing application forms in alternative formats like large print or Braille.

b. Modification or adjustments necessary to enable a qualified individual with a disability to perform the essential functions of the job, such as providing assistive technology to allow a sight-impaired employee to use a computer.

c. Modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment, such as removing physical barriers in an organization's office space or facilities.

**3.2. TYPES OF REASONABLE ACCOMMODATION.** Reasonable accommodations for qualified employees with disabilities may consist of, but are not limited to:

**a. Job Restructuring.** Job restructuring reallocates or redistributes nonessential job functions of a qualified individual with a disability if the employee cannot perform them due to a disability. This may require altering when and/or how a function is performed or even reassignment of the function to someone else. Approving officials are not required to reallocate or eliminate essential functions as a reasonable accommodation.

**b. Leave.**

(1) Employees may use accrued paid or unpaid leave as a form of reasonable accommodation, when necessitated by a disability. The approving official may allow the use of limited, unpaid leave when an employee exhausts accrued paid leave. Employees may use leave pursuant to the Family and Medical Leave Act in conjunction with a reasonable accommodation (must consult with the DPM or servicing RAC, and HCMO). The employee is entitled to the rights offered by the laws governing the Family and Medical Leave Act and the laws governing reasonable accommodation.

(2) Absent undue hardship, an employee with a disability who receives leave as a reasonable accommodation can return to the same position if they are still qualified and able to perform the position's essential functions, with or without a reasonable accommodation. An undue hardship may be established, for example, where the requested leave provides no end date for an employee's absence.

**c. Modified or Part-Time Schedule.** Approving officials may create a part-time work schedule for an employee as a form of reasonable accommodation, provided it is considered reasonable and there is no undue hardship. The approving official may also modify an



employee's work schedule by adjusting arrival or departure times, altering when certain functions are performed, or allowing the use of leave.

**d. Modified Workplace Policies.** Workplace modifications, such as modifications to telework, core duty hours, wellness program, dress code, etc. may serve as a form of reasonable accommodation, when necessitated by the limitations of an employee's disability and when the modification is reasonable and will not present an undue hardship. An approving official, in coordination with the DPM or servicing RAC, HCMO, and OGC, or other supporting entities as applicable, will determine when such modifications may take place.

**e. Reassignment.**

(1) Reassignment is an accommodation of last resort. Reassignment will only be considered if a determination is made that no other reasonable accommodations are available to enable the individual to perform the essential function of their current job, or if the only effective accommodation would cause undue hardship. There is no obligation to create a position for the purpose of reassignment.

(2) Reassignment is available only to employees, not to job applicants. When reassignments are considered as a reasonable accommodation, employees will not be required to compete for the vacant position.

(3) In considering whether there are positions available for reassignment, employees must submit an updated resume to HCMO. The approving official will coordinate with the DPM or servicing RAC, HCMO, and the employee requesting the accommodation to determine eligibility for reassignment.

(4) HCMO will determine whether an employee is qualified for a new position.

(a) If HCMO cannot identify an equivalent position, HCMO will review all projected vacancies available within 60 business days from the date the reassignment is being considered.

(b) The HCMO review will consider all positions, including those at one grade lower, for which the employee is qualified, with or without a reasonable accommodation. Approving officials and HCMO have no obligation to assist the employee to become qualified for a vacancy.

## SECTION 4: REASONABLE ACCOMMODATION REQUEST PROCESS

### 4.1. REQUEST FOR REASONABLE ACCOMMODATION

#### a. Reasonable Accommodation Process Overview.

(1) Employees may initiate a reasonable accommodation request orally or in writing at any time. In order for the interactive process to begin, the requestor does not have to fill out any specific form or have a particular accommodation in mind before making a request to their first-line supervisor or any DCSA leader within the employees' supervisory chain of command. The DEO office provides training to supervisors on reasonable accommodation which includes how to recognize a request. Employees are required to participate in the interactive process to find an accommodation that is responsive to their limitation. Employees are not entitled to the accommodation of choice; it must be effective for both DCSA and the employee.

(2) A healthcare professional, family member, or any other person may serve as a representative to request an accommodation on behalf of an employee where the employee is unable to make such a request. For records maintenance a written request is preferable, but not required.

(3) The DCSA official who receives the request, if other than the approving official, will promptly forward the request to the approving official within 3 business days. The approving official will verify the request with the employee needing the accommodation. Regardless of which DCSA official receives the initial notification, the approving official must provide a decision approving, offering an alternative reasonable accommodation, or denying the request for reasonable accommodation within 15 business days of receipt of all relevant documentation to support the reasonable accommodation request. Reasonable accommodation requests can be made, at any time, to:

- (a) An employee's first-line supervisor
- (b) An employee's second or third-line supervisor, or any senior management official
- (c) HCMO
- (d) DEO, DPM, or RAC

(4) An individual does not have to use special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act" when requesting an accommodation. A simple statement that an employee has a medical condition that is interfering with the performance of their duties is sufficient to initiate the process. Employees and approving officials should consult with the servicing RAC for further information or assistance initiating or processing a request for reasonable accommodation. If the employee does not complete the [DCSA Form 236](#), "Request for Reasonable Accommodation," the receiving official can complete the form on behalf of the employee.

(5) The approving official and the employee with a disability should engage in an informal discussion to clarify the employee's needs and identify the appropriate reasonable accommodations. This discussion begins the interactive process, which will include communicating to clarify the request; obtaining and exchanging information with the employee regarding limitations posed by the medical condition, needs and alternatives, and solution exploration; consulting outside resources (CAP, Job Accommodations Network, etc.); and evaluating possible accommodations. The employee with a disability has the option to provide the [DCSA Form 312](#), "Medical Inquiry Form in Response to an Accommodation Request," to their medical provider for further information regarding their disability and how it affects their job performance, but it is not required.

(a) In the interactive process, the approving official will consult directly with the DPM or servicing RAC if they do not immediately grant the reasonable accommodation. Approving officials will not deny reasonable accommodations without first coordinating with the DPM and OGC.

(b) The approving official will immediately communicate their decision to provide a reasonable accommodation orally or in writing to the employee. If the decision is initially communicated orally, the approving official must also follow up in writing.

(c) The approving official will provide a copy of the final official reasonable accommodation decision to the servicing RAC. The servicing RAC will finalize the paperwork and provide a copy to the requestor.

(d) The approving official granting a request is responsible for following through and making any necessary arrangements to ensure the accommodation is provided. DCSA will centrally fund the approved reasonable accommodations not provided by CAP. Products provided by CAP are funded by DoD.

(e) Information that must be kept confidential includes the fact that someone has requested a reasonable accommodation, is receiving an accommodation, has a disability, and any medical information. Should questions arise from coworkers about what is perceived as "different" or "special" treatment of an accommodated employee, managers may explain the privacy policy and point out that many of the workplace issues encountered by employees are personal, and that, in these circumstances, it is DCSA policy to respect employee privacy.

**b. Requestor.** An individual needing an accommodation:

(1) Requests, either orally or in writing, the reasonable accommodation, and may be required to provide medical documentation, if needed. Medical documentation should be provided on official letterhead and signed by a healthcare professional or through [DCSA Form 312](#).

(2) Engages in the interactive process, including helping to identify the most effective accommodation.

(3) Completes and submits the [DCSA Form 236](#); a recurring reasonable accommodation only needs a written confirmation with the first request.

(4) Submits a request to CAP for any product the CAP office can provide to the employee. In the request to CAP, the employee's email address, the employee's supervisor's email address, and the address for the servicing RAC should be included.

(5) Coordinates with the approving official and representatives from OCIO and Security to provide the specifications of the requested assistive technology in advance of CAP acquisition to ensure the requested items will function properly and are permitted on the DCSA network and in DCSA workspaces. Failure to properly coordinate assistive technology may result in delays or denial of the requested technology.

(6) Uses the approved accommodation only for official purposes. Employees may not take Government property home for personal use or use such resources for unofficial purposes.

(7) Responds by the suspense date for requests for additional information, such as medical documentation.

(8) Submits a written request for reconsideration to the approving official and/or the approving official's supervisor, if the initial request is denied.

(9) Contacts the DEO Complaints Manager if the employee wishes to file an EEO complaint related to the request for a reasonable accommodation. Contact with the Complaints manager must be within 45 calendar days of becoming aware of the action alleged as discriminatory.

**c. Approving Official.** The approving official will work collaboratively with representatives from DEO, HCOM, OGC, OCIO, and LMD, as appropriate, and:

a. Must engage in the interactive process with the requestor in an effort to identify possible accommodations and determine whether an accommodation will be provided.

b. Maintains separate files for information regarding reasonable accommodations to ensure it is not included in employee performance files.

c. Contacts the servicing RAC for general guidance and to consult about whether medical documentation is necessary to process the request.

d. Consults with supporting entities as necessary, to ensure timely reasonable accommodation processing.

e. Approves or denies properly supported requests for reasonable accommodations for DCSA employees within 15 business days of the initial request.

f. Reviews the [DCSA Form 236](#) for completion and forwards it to the servicing RAC for recordkeeping purposes.

g. Protects the employee's right to privacy and limits access to accommodation-related information only to those individuals with a need to know.

h. Guarantees a copy of the employee's reasonable accommodation is not included in the employee's official or unofficial personnel files.

**d. Reasonable Accommodation Coordinator (RAC).** RACs are located in each of the regions and at headquarters. The servicing RAC:

(1) Assesses requests for reasonable accommodations for compliance with the ADAAA and Rehabilitation Act regulatory requirements.

(2) Reviews all medical documentation to determine that an employee requesting a reasonable accommodation has a sufficiently documented disability.

(3) Facilitates the interactive process between the approving official and the employee requesting reasonable accommodation.

(4) Receives and reviews the [DCSA Form 236](#) and medical documentation, and coordinates with the approving official and employee for further processing.

(5) Collaborates with the approving official, employee, and representatives from HCMO, OGC, OCIO, Security, Financial Management, Acquisitions, LMD, CAP, and the Job Accommodations Network, as appropriate, to facilitate the reasonable accommodation process.

(6) Maintains a record of all reasonable accommodations.

(7) Oversees the implementation of approved reasonable accommodations and determines if an accommodation needs to be amended or extended. These actions may include a request for updated medical information.

(8) Protects employees' right to privacy and limits access to accommodation related information to those individuals with a need to know.

#### **4.2. WRITTEN REQUESTS.**

a. To enable DCSA to keep accurate records of accommodation requests, employees seeking a reasonable accommodation, or in some cases HCMO on behalf of applicants, should complete the [DCSA Form 236](#). In the absence of an employee's written request, the approving official's written decision (email or other form) will be sufficient. A written decision is needed because an approved reasonable accommodation is legally binding on DCSA and may travel with the employee if they rotate among positions within DCSA or if the employee has a change in supervisors. The DPM may use the written requests to compose required reports regarding the number, type, and cost of reasonable accommodations for budgeting and trend analysis.

b. Personnel involved in the interactive process should maintain a written record of their activities. In all instances where the employee's disability is not obvious, the servicing RAC will request medical documentation, in the form of [DCSA Form 312](#) or on official letterhead and signed by a healthcare professional, to include diagnosis, prognosis (to include severity and

duration), description of limitations, and suggested accommodations and how they are expected to mitigate the limitations.

#### **4.3. INTERACTIVE PROCESS.**

a. Communication is a priority throughout the entire process. This process involves an open, continuous dialogue among the individual requesting the reasonable accommodation, the approving official, the DPM or servicing RAC, and other supporting offices as needed, to expedite and facilitate identification and implementation of an effective accommodation. During this process, the applicant or employee may be asked to provide additional information to assist the DCSA in clearly understanding the disability and in developing effective accommodations. Employees are expected to reply promptly to all such requests. Failure to provide information requested by DCSA may form the basis of a denial for a reasonable accommodation.

b. As a general rule, the individual with a disability — who has the most knowledge about the need for reasonable accommodation — must inform the employer that an accommodation is needed. However, supervisors should initiate the interactive process without being asked if they: (1) know that the employee has a disability, (2) know, or have reason to know, that the employee is experiencing workplace problems because of the disability, and (3) know, or have reason to know, that the disability prevents the employee from requesting a reasonable accommodation. If an individual with a disability states that they do not need a reasonable accommodation, the supervisor will have fulfilled their obligation.

#### **4.4. TIMEFRAMES FOR PROCESSING REQUESTS.**

a. The amount of time it takes to respond to a request for reasonable accommodation depends on the nature of the accommodation and whether medical documentation is needed to confirm the existence of a disability and the need for a reasonable accommodation.

b. Approving officials should respond to reasonable accommodation requests without delay. The time frame for processing reasonable accommodations begins when an employee makes the initial request.

(1) An approving official receiving a request for reasonable accommodation may be able to grant the request immediately depending on the accommodation requested. Absent extenuating circumstances, the approving official must begin the interactive process and use the existing information to approve the request, offer an effective alternative, or deny the reasonable accommodation request within 15 business days. If medical documentation is requested by the DPM or servicing RAC, the decision deadline is extended by the number of days needed to receive the documentation. Moreover, the Agency will not be expected to adhere to its usual timelines if an individual's health professional fails to provide needed documentation in a timely manner. The time frame resumes once the medical documentation is received.

(2) The approving official should provide a determination as quickly as possible, not exceeding 30 days, absent extenuating circumstances. An approving official's failure to do so could lead to a violation of the Rehabilitation Act of 1973. For example, a supervisor who

denies leave to an employee who has a known disability that requires leave would be in violation. Additionally, a supervisor can approve an accommodation on a temporary basis pending receipt of medical documentation; this should be documented in writing with the employee and provided to the servicing RAC.

(3) However, if the approving official can provide a particular reasonable accommodation in less time than the maximum amount of time permitted under paragraph 1614.203(d)(3)(i)(M) of the Rehabilitation Act of 1973, the approving official must respond promptly to the request to ensure consistency with the Rehabilitation Act. An approving official's failure to do so could lead to a violation of the Rehabilitation Act. Additionally, a supervisor can approve an accommodation on a temporary basis pending receipt of medical documentation; this should be documented in an email exchange with the employee, with a courtesy copy to the servicing RAC.

c. If a DCSA official other than the employee's approving official receives the initial accommodation request, the receiving official must forward it to the employee's approving official or the DPM or servicing RAC within 3 business days from the date received. Once the request is received, the reasonable accommodation process is initiated.

(1) If approved, the employee will normally receive the accommodation within 15 business days unless extenuating circumstances delay implementation. Extenuating circumstances include factors that could not have reasonably been anticipated or avoided in advance of the request for accommodation.

(2) When delays occur, approving officials must consider interim accommodations and provide them, absent undue hardship. Approving officials will notify the employee of delays within 5 business days of becoming aware of the delay. Examples of extenuating circumstances include, but are not limited to:

(a) The employee has not responded to the initial or follow-up request for medical documentation or the medical documentation they provided to the servicing RAC is not sufficient to substantiate the need for reasonable accommodation.

(b) Equipment purchases that take longer than 15 business days to deliver.

(c) Back-ordered equipment, a vendor unexpectedly goes out of business, or the vendor cannot promptly supply the needed goods or services and another vendor is not immediately available.

(d) DCSA needs to hire or contract for new staff, or an accommodation involves the removal of architectural barriers or reconfiguration of an employee's workspace.

(e) Receipt of an appliance permit from the building landlord that takes longer than 15 business days to obtain.

(f) Processing of assistive technology for approval to use in DCSA workspaces and on DCSA networks.

d. When there is a delay, any official from DEO, HCOM, OCIO, LMD, Financial Management, Acquisitions, or Security who is involved in facilitating an effective accommodation solution must notify the employee's approving official. The approving official must notify the employee and discuss a possible interim accommodation. If a delay exists in either processing a request or delivering a reasonable accommodation and the delay is not attributable to the requesting employee, the approving official will notify the employee, in writing, of the specific reasons for the delay, including any extenuating circumstances that justify the delay and an anticipated completion date.

e. In special circumstances, reasonable accommodations may require expedited processing, which may reduce the 15-business-day time frame. Examples of special circumstances include an individual applying for a job, or an employee requesting to participate in a specific DCSA activity scheduled to occur on short notice.

**4.5. REQUESTS FOR COMPUTER AND ELECTRONIC EQUIPMENT.** When funds are available, CAP provides computer, electronic equipment, and other products to all DoD employees with disabilities. To maximize use of all available resources, DCSA employees with a disability will first request assistive technology (and other products available through CAP) from CAP to fulfill a reasonable accommodation request. When funding or equipment is not available from CAP, or the CAP technology is not compatible with or permissible to use within DCSA workspaces or network, DCSA, through OCIO, will provide assistive technology necessary for an effective accommodation absent an undue hardship.

**a. Computer and Electronic Equipment.** Computer and electronic equipment includes, but is not limited to:

- (1) Teletypewriter.
- (2) Modified computer screens or peripherals.
- (3) Voice activated specialized software.
- (4) Screen readers.
- (5) Cueing and memory aids.

**b. System Compatibility.** Prior to completing a request with CAP, employees or their approving officials must provide the assistive technology specifications to OCIO to ensure the accommodation equipment is compatible with and permissible for DCSA workspaces and networks. CAP and approving officials will ensure correct specifications.

**c. Requests.** Employees and approving officials will directly submit equipment requests to CAP via at [www.cap.mil](http://www.cap.mil). Requests must include the email address of the servicing RAC (in the secondary email block).

**d. CAP Procurement Exceptions.** OCIO will acquire the assistive technology equipment for an approved reasonable accommodation when CAP notifies DCSA that funding or equipment



is not available. If the approving official receives notification about a delay of 30 days or more, the approving official must immediately consult with the servicing RAC to determine if an interim accommodation is necessary.

**e. Property Accountability.** All equipment used as a reasonable accommodation is and remains DCSA property. LMD or OCIO will provide equipment maintenance beyond the initial warranty period and additional supplies after receipt the, depending on the type of property involved.

**4.6. RECURRING REQUESTS.** Recurring reasonable accommodations, such as the provision of sign language interpreters, readers, or Communication Access Real-Time Translation (CART) services, do not need a written request for accommodation for each request. Only the first request requires the completion of the [DCSA Form 236](#). Thereafter, the employee must give appropriate notice each time they need the approved accommodation.

**4.7. APPROVAL OF REASONABLE ACCOMMODATION REQUESTS.** Approving officials must provide reasonable accommodation decisions in writing, preferably via the [DCSA Form 236](#). An approving official does not need to provide specific reasons for the decision to approve or partially approve a request. Within 5 business days of providing the written decision to the requesting employee, the approving official will provide a copy of the final official reasonable accommodation decision to the servicing RAC. Approving officials must coordinate with the employee, at least annually, and assess the effectiveness of the accommodation. If the accommodation is no longer effective, the process begins again.

#### **4.8. REQUESTS FOR MEDICAL DOCUMENTATION.**

a. If an employee's disability or need for accommodation is not obvious or already known, sufficient medical documentation to establish the employee has a disability may be requested. The medical documentation must be on official letterhead and signed by a healthcare professional or provided through [DCSA Form 312](#). The employee should provide all medical documentation within 15 business days from the servicing RAC's request for medical documentation. Documentation must:

(1) Describe the nature, severity, and duration of the employee's disability, the activities the disability limits, and the extent to which the disability limits the employee's ability to perform the essential job functions; and

(2) Explain why the individual requires reasonable accommodation or identify the reasonable accommodations being sought and explain why they will help the individual apply for a job, perform the essential functions of the job, or enjoy a benefit of the workplace.

b. Medical documentation is not needed when:

(1) The disability and need for reasonable accommodation is obvious; or

(2) The employee previously provided DCSA with sufficient and current information to substantiate the need for a reasonable accommodation.

c. If the information furnished by the employee is insufficient to make a determination, the servicing RAC may require additional or supplemental medical information where the documentation is insufficient to explain the nature of the employee's disability; the employee's need for reasonable accommodation; and how the requested accommodation will assist the individual to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of the workplace. The servicing RAC should explain to the employee why the documentation is insufficient and provide the employee the opportunity to provide the missing information. Additionally, the DPM or servicing RAC may ask the employee to sign [DCSA Form 312](#), allowing the DPM or servicing RAC to submit a list of specific questions or to otherwise contact the employee's healthcare professional to obtain the relevant information. Failure to provide sufficient documentation or cooperate with the DCSA's efforts to obtain such documentation in a timely manner may extend DCSA's timelines for processing a request for a reasonable accommodation and result in a denial of the reasonable accommodation. The responsibility to provide sufficient medical documentation always resides with the employee. Documentation may be considered insufficient if it:

(1) Does not specify the existence of a disability or fails to identify the limitations in sufficient detail and the accommodation sought.

(2) Is provided by a healthcare professional who does not have the expertise to give an opinion about the employee's medical condition or cannot provide the functional limitations imposed by the disability as specified by EEOC's "Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act."

(3) Appears fraudulent or not credible.

(4) Is not provided on letterhead, dated, and signed by a healthcare professional with the expertise to substantiate the limitations and need for reasonable accommodation.

d. Upon receipt, the RAC will review the requested medical documentation. Additionally, DCSA has the right to have the medical information reviewed by a medical expert of DCSA's choosing at its expense.

e. In cases of long-term accommodations, the servicing RAC may require periodic medical updates from employees undergoing medical treatment where the employee is without a permanent disability. Long-term accommodations may be reevaluated and subsequently determined to place an undue burden upon DCSA.

f. The approving official may provide an interim reasonable accommodation pending receipt of medical documentation.

**4.9. RULES AGAINST ACQUIRING GENETIC INFORMATION.** In accordance with Public Law 110-233, otherwise known as the Genetic Information Nondiscrimination Act of

2008, the following applies to any DCSA personnel who may obtain genetic information during the course of their duties. When collecting information for reasonable accommodations:

a. Approving officials, or any official in the reasonable accommodation process, will not request the genetic information of any employee.

b. If approving officials, or any official in the reasonable accommodation process, lawfully obtains a DCSA employee's genetic information during the course of normal duties, that individual must keep this information confidential, refrain from adding this information to the employee's personnel records, and not share this information with anyone without a need to know.

#### **4.10. DENIAL OF REASONABLE ACCOMMODATION REQUESTS.**

a. Before denying an employee's or applicant's request for reasonable accommodation, the approving official must coordinate with the DPM and OGC. Following the required coordination, the approving official must complete [DCSA Form 236](#) in its entirety and record the reason for the denial. The approving official must ensure that the signed decision to deny the request is provided to the employee or applicant and the DPM or servicing RAC, within 5 business days of the decision.

b. Approving officials must write the reasons for the denial in plain language with as much detail as possible. The written denial will also be provided in an accessible format when requested.

c. Requests for accommodation should not be denied based on cost, absent unique circumstances. Moreover, individuals with disabilities are not excluded from employment due to the anticipated cost of a reasonable accommodation, if the resources available to the Agency as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodation, would enable it to provide an effective reasonable accommodation without an undue hardship.

d. Common bases for denial are that the requested accommodation would not be effective, the medical documentation is inadequate to establish that the individual has a disability or needs a reasonable accommodation, the requested accommodation would require removal of an essential function, the requested accommodation would require the lowering of a performance standard, or the accommodation would result in an undue hardship.

e. If the approving official denies the specific requested reasonable accommodation, but offers an alternate solution, the official should explain the reasons for the denial of the employee's requested reasonable accommodation, and the reasons why the alternative accommodation is expected to be effective.

f. The approving official must inform the employee of the availability of the reconsideration process, as well as the Alternative Dispute Resolution (ADR) process. Employees are encouraged to use the voluntary reconsideration process or other ADR processes to resolve reasonable accommodation issues informally. This avenue allows individuals to obtain prompt

reconsideration of denials of accommodation requests. The approving official must also inform the employee or applicant of their right to file a grievance or an EEO complaint.

#### **4.11. REQUESTS FOR RECONSIDERATION.**

a. If an employee wishes reconsideration of a denial of their reasonable accommodation request, either in whole or in part, they must submit a written request to the next higher level approving official in the supervisory chain. The formal written request for reconsideration must be submitted within 5 business days from the date the employee received the denial. The employee may present additional information to support the reconsideration request. The approving official should respond to the request within 5 business days of receipt.

b. If the individual wishes to file an EEO complaint, they must contact DEO within 45 calendar days from the date they received notification that the request for reasonable accommodation was denied. The individual will, during the informal complaint stage, initially elect either traditional EEO counseling or mediation through the DCSA ADR Program. If the matter goes unresolved during the informal complaint stage or through the ADR process, the individual may subsequently file a formal complaint with the DEO Complaints Manager.

c. If a DEO staff member is involved in the reasonable accommodation process for an employee, that staff member will recuse themselves from handling the EEO complaint of discrimination on the same matter.

#### **4.12. CONFIDENTIALITY REQUIREMENTS.**

a. Medical information obtained in connection with the reasonable accommodation process must be kept confidential in accordance with the Rehabilitation Act of 1973. All medical information that DCSA obtains in connection with a request for reasonable accommodation must be kept in files separate from the employee's personnel file; this includes the request for an accommodation, its approval and any information about functional limitations. Employees are not required to provide the medical information to anyone other than the DPM or RAC. If supervisors are provided medical documentation related to a reasonable accommodation request it must be provided to the DPM or servicing RAC. Supervisors will not retain copies of medical documentation. Individuals who are aware of the existence of the request, costs, or other aspects must not share these details with anyone who does not have an official need to know. Personnel with knowledge of the disability must only discuss the information when warranted, with:

(1) The employee's approving official, if the official needs to be informed about necessary restrictions on the work or duties of the employee and about the necessary accommodation(s). Medical information will only be disclosed if absolutely necessary.

(2) First aid and safety personnel, when appropriate, if the disability might require emergency treatment or special arrangements in emergency situations such as building evacuations.

(3) Government agencies, such as the EEOC, Office of Personnel Management, or DoD Office of Diversity Management and Equal Opportunity, when information necessary to maintain records, evaluate, and report on DCSA's performance in processing reasonable accommodation requests is required. Information may also be given to these agencies to investigate DCSA's compliance with the Rehabilitation Act of 1973 and respond to legal challenges.

(4) In certain circumstances, workers' compensation offices or insurance carriers.

b. The DPM or servicing RAC may share certain information with the approving official or other DCSA officials as necessary to make appropriate determinations on a reasonable accommodation request. The DPM or servicing RAC will inform the recipients of their confidentiality requirements. The information disclosed will be no more than is necessary to process the request for reasonable accommodation.

#### 4.13. INFORMATION TRACKING.

a. DEO will maintain custody of all records obtained or created during the processing of a request for reasonable accommodation, including medical records, and will follow established disclosure/protection requirements for the records. All records will be maintained in accordance with the confidentiality requirements of 29 C.F.R 1611 and the EEOC Order 150.003.

b. Approving officials must provide the servicing RAC with a copy of the completed [DCSA Form 236](#). The employee will provide the servicing RAC with the medical documentation. The approving official must maintain a copy of the [DCSA Form 236](#) for 1 year after issuance of the reasonable accommodation, to enable them to ensure all accommodation solutions are provided and effective. If so, the [DCSA Form 236](#) will be retained for another year, and so on. If the accommodation is no longer effective, the process begins again.

c. The DPM will retain information or any other cumulative records used to track DCSA's performance regarding reasonable accommodation processing timeliness and other process information for a minimum of 3 years. The DEO Chief will provide the EEOC these records upon request in a timely manner. These records will contain the following information:

- (1) The specific reasonable accommodation.
- (2) The job (occupational series, grade level, and agency component) sought by requesting applicant or held by employee.
- (3) If 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 reasonable accommodation request is granted or denied.
- (5) The basis of the denial.
- (6) Identity of deciding official.

(7) Number of days taken to process the request.

d. Employees and applicants may contact the RAC at [dcsa.quantico.dcsa-hq.mbx.rac@mail.mil](mailto:dcsa.quantico.dcsa-hq.mbx.rac@mail.mil) or directly call their regional EEO specialist for information regarding tracking the processing of their request for reasonable accommodation.

**4.14. RESOURCES.** The table included in this section provides a list of resources that can be helpful when navigating the reasonable accommodation process.

**Table 1. Reasonable Accommodation Resources**

Resource	Access
JAN	The Job Accommodations Network is the leading source of free, expert, and confidential guidance on workplace accommodation and disability employment issues. JAN does not provide products or equipment but does provide suggestions and helpful information. <a href="https://ask.jan.org">https://ask.jan.org</a>
CAP	The DoD Computer/Electronic Accommodations Program provides assistive technology and other products to support federal employees and active duty service members with disabilities. CAP can also conduct needs assessments if there is uncertainty about what accommodations might be effective. CAP is centrally funded by DoD with no cost to DCSA. <a href="https://cap.mil">https://cap.mil</a>
The Rehabilitation Act of 1973, as amended	29 C.F.F. Section 1614.203 <a href="https://www.law.cornell.edu/cfr/text/29/1614.203">https://www.law.cornell.edu/cfr/text/29/1614.203</a> <a href="https://www.federalregister.gov/documents/2017/01/03/2016-31397/affirmative-action-for-individuals-with-disabilities-in-federal-employment">https://www.federalregister.gov/documents/2017/01/03/2016-31397/affirmative-action-for-individuals-with-disabilities-in-federal-employment</a>
EEOC Enforcement Guidance	<a href="https://www.eeoc.gov/policy/docs/accommodation.html">https://www.eeoc.gov/policy/docs/accommodation.html</a> <a href="https://www1.eeoc.gov/eeoc/publications/adaqa1.cfm">https://www1.eeoc.gov/eeoc/publications/adaqa1.cfm</a>
Self-Identification of Disability	<a href="https://www.opm.gov/Forms/pdf_fill/sf256.pdf">https://www.opm.gov/Forms/pdf_fill/sf256.pdf</a>

## SECTION 5: PERSONAL ASSISTANCE SERVICES

**5.1. GENERAL.** DCSA will provide personal assistance services (PAS) to eligible employees upon request. PAS are for employees who, because of targeted disabilities, require assistance with performing activities of daily living that they would typically perform themselves if they did not have a disability, and that are not otherwise required as a reasonable accommodation. Examples include assistance with removing and putting on clothing, eating, and using the restroom. PAS do not include performing medical procedures, such as administering shots, or medical monitoring, such as monitoring blood pressure.

**5.2. PROVISIONS.** PAS must be provided for employees:

- a. To participate in employer-sponsored events, such as holiday parties, to the same extent as any other reasonable accommodation;
- b. Working at their alternate worksite when approved to telework in accordance with DCSA Instruction 11-610.1 or as a reasonable accommodation; and
- c. On official travel who are unable to rely on their usual PAS source during both work and off-work hours.

(1) DCSA will provide PAS at all times during official travel, as a reasonable accommodation, absent undue hardship. An undue hardship for DCSA would be a reasonable accommodation causing significant difficulty or expense to the Agency.

(2) While an employee is on official travel, DCSA will pay any additional costs related to providing PAS, such as transportation, billeting, and per diem for the PAS provider, as a reasonable accommodation.

**5.3. REQUESTS.** As with a reasonable accommodation, an employee may request PAS by informing a supervisor, human resources professional, or other designated officials outlined in Section 4. Employees are not required to mention “Section 501,” “the Rehabilitation Act,” or the EEOC’s Directives explicitly, or use terms such as “PAS” or “affirmative action” to trigger DCSA’s obligation to consider the request.

**5.4. ELIGIBILITY.** If an existing employee, now entitled to PAS under DCSA Policy Memorandum 20-001, arranged for their own PAS previously, DCSA, as of January 3, 2018, is responsible for providing the PAS. DCSA is only required to provide PAS if:

- a. The individual is a DCSA employee;
- b. The employee has a targeted disability;
- c. The employee requires PAS because of their targeted disability;

- d. PAS will enable the employee to perform the essential functions of the job, without posing a direct threat to safety; and
- e. Providing PAS will not impose undue hardship.



## **SECTION 6: SIGN LANGUAGE INTERPRETERS AND COMMUNICATION ACCESS REAL-TIME TRANSLATION (CART) SERVICES**

### **6.1. SCHEDULING INTERPRETER AND CART TRANSLATION SERVICES.**

a. The individual scheduling a meeting or event, such as a staff meeting, training, or office function, that requires CART services or sign language interpreters will submit a request in writing to the servicing RAC at least 15 business days in advance of the event. Information provided must include the date, time, duration, nature and place of the event.

b. Under extenuating circumstances, DEO may be able to secure services in less time, but there is no guarantee of being able to provide the services if the notice is less than 15 business days. Failure to schedule interpreting services in advance may result in the need to reschedule meetings until interpreter services are available.

c. If a meeting or event will require interpretation for 60 minutes or longer, schedulers must request at least two interpreters for the event. Requesting components must provide interpreters sufficient rest periods, including a “sign free” lunch break, as applicable. A break during a meeting or event does not constitute a rest period for the interpreter if they are expected to continue interpreting through the break to assist with questions or other communications.

d. Whenever possible, the requesting Component or official will cancel sign language interpreters’ services no later than 3 business days before the date in which services are needed, to avoid penalties. Failure to cancel within the required 3-day period will result in DCSA’s obligation to pay the full price of one or more days of services. Cancellations on short notice are permitted if the cancellation could not be reasonably anticipated. Frequent, short-notice cancellations should be reviewed by the supervisor and the DPM to make adjustments to the accommodation schedule.

e. The requesting component or official will schedule sign language interpreters’ services to ensure maximum utilization of the assigned interpreter during the period they are available to provide services. Supervisors and employees should plan their schedules to minimize times that the interpreter is not being used during the contract day. Frequent periods of underutilization should be reviewed by management and the DPM so as to make adjustments to the accommodation schedule.

f. An employee who knows sign language or who is taking a sign language class is not an acceptable substitute for a contract interpreter.

g. DCSA will provide an interpreter and CART services, if needed, for any hearing-impaired government employee to attend a DCSA-sponsored activity. The sponsoring component must immediately notify the DPM or servicing RAC upon receipt of the requested accommodation.

h. An interpreter is assigned to assist an employee only with sign language interpretation and cannot, in any respect, perform work on behalf of the employee or DCSA. When a sign language interpreter is obtained, the DPM or servicing RAC, in collaboration with the employee

and supervisor, will prepare a statement describing the services the sign language interpreter is authorized to provide. Performance of work outside that statement is a violation of the contract for services and will not be permitted.

i. While the requester may provide input about the person hired to provide sign language services, they are not entitled to a specific interpreter. Issues with the performance of any sign language interpreter, by either the employee or supervisor, should be reported to the DPM or servicing RAC immediately.

**6.2. WORK EVENTS OUTSIDE THE DCSA WORKPLACE.** The DPM or servicing RAC, upon receiving notification from the approving official, will provide an interpreter for an employee, who is deaf or hard of hearing, who attends a meeting or event outside of the workplace as part of their assigned work duties, to include the alternate worksite.

**6.3. SOCIAL FUNCTIONS AND SPECIAL EVENTS.** Approving officials may request interpreting services for DCSA social functions or special events scheduled during official time which will be attended by employees who are deaf or hard of hearing.

**6.4. INTERPRETING PHONE CALLS.** Employees who are deaf or hard of hearing should coordinate with their approving official and the DPM or servicing RAC to schedule an interpreter when they need interpretation services for business-related phone calls that are not accommodated through the FCC Video Relay Service or other means.

## SECTION 7: ADDITIONAL ACCOMMODATIONS

**7.1. SERVICE DOGS.** Service dog accommodations will be handled on a case-by-case basis and processed in accordance with Section 4 of this issuance. Under Public Law 101-336, also known as the Americans with Disabilities Act, a service dog is a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability.

### **7.2. MOBILITY ASSISTANCE PROGRAM.**

a. Requests for scooters are requests for reasonable accommodation and will be processed in accordance with Section 4 of this issuance. The employee will be asked for documentation from the health care professional that states the specific diagnosis and recommended accommodation for the disability/limitations if the disability is not obvious.

b. The requesting employee will be required to complete a "Scooter Request Application," provided by DEO, and complete a safety briefing.. Scooters owned by the Russell-Knox Building are loaned on a first-come, first-served basis. The loan period is not to exceed 6 weeks, and scooters are only permitted to be used in the RKB facility during the user's normal business hours. For more information about the Mobility Assistance Program, please contact the DPM at [dcsa.quantico.dcsa-hq.mbx.rac@mail.mil](mailto:dcsa.quantico.dcsa-hq.mbx.rac@mail.mil) or 571-305-6716.

## GLOSSARY

### G.1. ACRONYMS.

ADAAA	Americans with Disabilities Act Amendments Act
ADR	alternative dispute resolution
CAP	Computer/Electronic Accommodations Program
CART	Communication Access Real-Time Translation
CHCO	Chief Human Capital Officer
CIO	Chief Information Officer
DEO	diversity and equal opportunity
DPM	Disability Program manager
EEO	equal employment opportunity
EEOC	Equal Employment Opportunity Commission
HCMO	Human Capital Management Office
LMD	Logistics Management Division
OCIO	Office of the Chief Information Officer
OGC	Office of General Counsel
PAS	personal assistance services
RAC	reasonable accommodation coordinator

### G.2. DEFINITIONS.

Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

<b>TERM</b>	<b>DEFINITION</b>
<b>approving official</b>	Any leader within the DCSA employee’s supervisory chain who can grant a reasonable accommodation to the employee or to their representative. Component designated approving officials will immediately consult with the DPM or servicing RAC, to obtain guidance on the reasonable accommodation process.

<b>TERM</b>	<b>DEFINITION</b>
<b>direct threat</b>	A significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.
<b>disability</b>	A physical or mental impairment that substantially limits one or more of the major life activities or a record (or past history) of such an impairment.
<b>employee</b>	Any civilian permanent, temporary, or probationary DCSA personnel. This does not include contractor employees, but in some instances DCSA may be responsible for providing reasonable accommodations to contractor personnel. Consult with the DPM and OGC.
<b>essential functions</b>	Those job duties so fundamental to the position that the individual holds or desires that he/she cannot do the job without performing those duties. A function can be “essential” if, among other things, the position exists specifically to perform that function; there are a limited number of other employees who could perform the function; or the function is specialized and the individual is hired based on his/her ability to perform the function. Determination of essential functions of a position must be done on a case-by-case basis so that it reflects the job as actually performed, and not simply the components of a generic position description.
<b>genetic information</b>	As defined by the Genetic Information Nondiscrimination Act (GINA) of 2008.
<b>interim accommodation</b>	Any temporary or short term measure put in place until a granted accommodation is available.
<b>interactive process</b>	The process by which the individual requesting an accommodation and the approving official work collaboratively to determine if an effective accommodation can be put in place.
<b>qualified individual with a disability</b>	An individual is qualified if the individual: a. satisfies the requisite skill, experience, education, and other job related requirements of the position; and, b. can perform the essential functions of the position, with or without reasonable accommodation.
<b>reasonable accommodation</b>	Any change in the work environment or in the way things are customarily done that would enable a qualified individual with a disability to obtain equal employment opportunities.

<b>TERM</b>	<b>DEFINITION</b>
<b>reassignment</b>	Movement of an employee from one position to another position when, because of a disability, the employee can no longer perform the essential functions of their job with or without a reasonable accommodation. This movement can be to any position for which the employee qualifies at the same grade level or, in some cases, one grade lower, if applicable. When reassigned, the employee need only be qualified, not best qualified and will not be required to apply for or compete for the position.
<b>senior leaders</b>	Heads of DCSA offices and directorates (as depicted on the Agency organization chart).
<b>targeted disabilities</b>	Conditions considered severe disabilities as listed on OPM SF 256. The Government recognized that qualified individuals with certain disabilities face significant barriers to employment, which for some people may include lack of access to PAS in the workplace, that are above and beyond the barriers faced by people with the broader range of disabilities.
<b>undue hardship</b>	A specific accommodation that would require significant difficulty or expense.

## REFERENCES

- Code of Federal Regulations, Title 29, Section 1611, "Privacy Act Regulations"
- DoD Manual 8910.01, Volume 1, "DoD Information Collections Manual: Procedures for DoD Internal Information Collections," June 30, 2014, as amended
- Equal Employment Opportunity Commission, "Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act," October 17, 2002
- Equal Employment Opportunity Commission, "Final Rule on Affirmative Action for People with Disabilities in Federal Employment," January 3, 2017
- Equal Employment Opportunity Commission Order 150.003, "The Privacy Act of 1973," November 21, 1991
- Executive Order 13164, "Establishing Procedures to Facilitate the Provision of Reasonable Accommodation," July 26, 2000
- Public Law 93-112, "Rehabilitation Act of 1973," September 26, 1973
- Public Law 101-336, "Americans with Disabilities Act of 1990," July 26, 1990
- Public Law 110-233, "Genetic Information Nondiscrimination Act of 2008," May 2, 2008
- Public Law 110-325, "Americans with Disabilities Act Amendments Act (ADAAA) of 2008," September 25, 2008