



DEPARTMENT OF THE ARMY
UNITED STATES ARMY FUTURES COMMAND
210 W. 7TH STREET
AUSTIN, TEXAS 78701-2903

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DEC 03 2021

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: U.S. Army Futures Command Reasonable Accommodation Policy and Procedures for Individuals with Disabilities (IWDs)

1. References.

- a. Rehabilitation Act of 1973, 29 USC§ 701 et seq., as amended
- b. Executive Order 13164, Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation, 26 July 2000
- c. Army Regulation (AR) 690-12, Equal Employment Opportunity and Diversity, Appendix C, Procedures for Providing Reasonable Accommodations for Individuals with Disabilities, 22 December 2016
- d. Equal Employment Opportunity Commission (EEOC), Management Directive 715, Subject: Federal Responsibilities under Section 717 of Title VII and Section 501 of the Rehabilitation Act, 1 October 2003
- e. EEOC Policy Guidance On Executive Order 13164: Establishing Procedures To Facilitate The Provision Of Reasonable Accommodation, 20 October 2000

2. Applicability. This policy applies to all personnel, appropriated funds or non-appropriated funds, assigned to and/or under the operational control of the U.S. Army Futures Command (AFC). These requirements also apply to applicants for employment with AFC, and employees in part-time, temporary, term, and full-time positions.

3. Definitions.

a. A reasonable accommodation is any change in the work environment or the way things are customarily done that enables an individual with a disability to perform the essential functions of their position and/or enjoy equal access to employment opportunities. There are three categories of reasonable accommodations:

(1) Modifications or adjustments to a job application process, such as providing application forms in alternative formats like large print or Braille, or providing a sign language interpreter

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(2) Modifications or adjustments necessary to enable a qualified individual with a disability to perform the essential functions of the job (such as making existing facilities accessible, modifying work schedules, acquiring or modifying equipment, changing tests and training materials, providing qualified readers)

(3) Modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment, to include:

(a) Training;

(b) Services, such as employee assistance programs, credit unions, cafeterias, lounges, gymnasiums, auditoriums, transportation; and,

(c) Agency outings, parties, and social functions (for example, to celebrate retirements and birthdays)

(4) The reasonable accommodation procedures and timelines outlined in this policy also apply to requests for Personal Assistance Services (PAS) for individuals with severe/targeted disabilities. PAS differ from reasonable accommodations. Reasonable accommodations work around limitations to enable an employee to perform the essential functions of the job. PAS provide assistance with performing activities of daily living that an individual would typically perform if he or she did not have a disability, and that is not otherwise required as a reasonable accommodation. PAS must be provided by a personal assistance service provider. For employees who need PAS, PAS must be provided for them when: participating in employer-sponsored events; teleworking under an agency's telework policy or telework as a reasonable accommodation; and, while on official travel (during both on and off duty hours).

b. A decisionmaker is an agency official within the employee's chain of command, usually the employee's immediate supervisor. In the case of an applicant, the decisionmaker will usually be the selecting official, an agency official in the selecting official's chain of command, or a Human Capital staff member assigned to process the vacancy (usually within the Civilian Personnel Advisory Center).

c. An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities. Major life activities include, but are not limited to; caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and major bodily functions (for example, respiration, digestion, immunity, circulation, endocrine, et cetera).

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d. A qualified individual with a disability is one who satisfies the requisite skills, experience, education, and other job-related requirements of the position and can perform the essential functions of the position with or without reasonable accommodation.

e. The essential functions of a job are those duties so fundamental to the position that the individual cannot do the job without being able to perform them. 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 if it were assigned to them, or the function is specialized and the incumbent is hired based on his or her ability to perform it.

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

g. Undue hardship, generally, with respect to the provision of an accommodation, means significant difficulty or expense incurred, when considered in light of the overall financial resources of the agency, excluding those resources designated by statute for a specific purpose that does not include reasonable accommodation. An undue hardship determination is based on a case-by-case assessment and focuses on the resources and circumstances of the Army in relation to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial difficulty, but to accommodations that are unduly extensive, substantial, or disruptive, or that would fundamentally alter the nature of operations of the employer (AFC HQ). Determination of undue hardship is always made on a case-by-case basis, and in coordination with the Disability Program Manager (DPM) and Office of Staff Judge Advocate.

4. Responsibilities. Commanders and/or Senior Leaders/Directors shall be committed to providing reasonable accommodations to AFC employees and applicants for employment to ensure that IWDs have full access to equal employment opportunities, and will ensure:

a. Contact information for the AFC DPM is readily available in the workplace by posting it on bulletin boards and Web sites or providing it as a handout.

b. Emergency evacuation plans account for and accommodate IWDs through coordination with safety officers and other appropriate officials.

c. Responsible officials promptly process requests for reasonable accommodation and, where appropriate, provide reasonable accommodation in a prompt, fair, and efficient manner.

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d. Funding for the purchase of accommodations from a centralized account established for the purpose when no cost options are unavailable from the Department of Defense Computer and Electronic Accommodations Program.

5. Procedures. All procedures for processing a request for reasonable accommodation made by an AFC employee or job applicant with disabilities shall be IAW Army Regulation 690-12, Appendix C to ensure an appropriate response in a timely manner. A request for a reasonable accommodation may be made at any time. There are no "magic words" required, but as soon as the requester makes an oral or written request for an adjustment or change to some aspect of the application process, the job, or a benefit of employment for a reason related to a medical condition, the interactive process to accommodate the requester has begun.

a. Initiate the request.

(1) The requester should initiate a request for reasonable accommodation by contacting one of the following officials, as appropriate:

(a) AFC's DPM in the Diversity and Inclusion Directorate

(b) Supervisor or manager in their chain of command

(c) Servicing Human Capital office or Civilian Personnel Advisory Center.

(2) A family member, health professional, or other representative may request a reasonable accommodation on behalf of an IWD. The decisionmaker should confirm, if possible, with the employee that the accommodation is needed.

(3) The individual requesting accommodation must be able to describe/explain to the decisionmaker the limitation(s) he/she is experiencing, but need not disclose or discuss the underlying medical condition/disability with the decisionmaker. The individual need not have a particular accommodation in mind before making the request.

(4) The DPM will provide written receipt of the request to the requester and to the decisionmaker within 2 business days.

b. The interactive process involves an individualized assessment, open and ongoing communication, and flexible discussion among the person needing the accommodation, the decisionmaker, the DPM, and others who provide resources.

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(1) Decisionmakers are required to promptly notify the DPM of any request for accommodation received, and to cooperate with the DPM throughout the interactive accommodation process. All reasonable accommodations must be documented by the DPM in the Diversity and Inclusion Directorate.

(2) The decisionmaker is entitled to know that the requester has a disability covered by the Rehabilitation Act for which an accommodation is needed. When the disability and/or need for accommodation is not obvious, the decisionmaker must contact DPM to assist in obtaining appropriate medical documentation related to the functional impairment and/or limitations at issue. Any necessary medical documentation will be requested and received by the DPM, not the supervisor. The DPM will determine if the medical information is sufficient to qualify the individual for a reasonable accommodation. Medical information is disclosed only to those with a need to know, and only to the extent necessary to facilitate the accommodation process. Failure to provide necessary documentation when it has been requested could result in a denial of reasonable accommodations.

(a) Medical information will be requested only to the extent reasonably necessary to establish that the requester is an individual with a disability and/or needs the requested accommodation and provide information on the nature, severity, and expected duration of the impairment (for example, functional limitations, symptoms, side effects of any treatments, and so forth); the activity or activities the impairment limits; the extent to which the impairment limits the individual's ability to perform the activity or activities; and/or why the individual requires the particular accommodation requested and how the accommodation will assist the individual to apply for a job, perform the essential functions of the job, or have the benefits of the workplace.

(b) The decisionmaker must contact the DPM to determine whether an interim accommodation can be provided until medical documentation is received and a final decision is made.

(c) The 30 business days timeline is paused pending receipt of requested medical information or supporting documentation from the requester and/or a health care provider. Once the information has been received, the timeline resumes.

(d) Decisionmakers are strongly discouraged from accepting, handling, or storing any medical information for employees or job applicants, but rather should direct all such documentation to the DPM to be handled in a confidential manner.

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(3) Extenuating circumstances requiring the processing time for a reasonable accommodation which exceeds 30 business days will require the decisionmaker to inform the requester and the DPM of the reason for delay.

(4) The DPM will establish and maintain a system of recordkeeping to track the processing of requests for reasonable accommodation and will inform applicants and employees how they may track the processing of their requests for reasonable accommodation. The decision-maker who processed the accommodation request must keep the accommodation requester informed as to the specific status of his/her request.

c. Decisionmaking. When the decisionmaker determines an accommodation will be approved, they must communicate the decision in writing within 2 business days_ to the requester and the DPM. The requested accommodation should be granted, modified, or denied within 30 business days from the date of the initial request, absent extenuating circumstances. Decisionmakers may immediately grant requested accommodations when possible, but are still required to notify the DPM when doing so for guidance and documentation purposes. In cases where the accommodation decision can be provided in less than the maximum timeframe (30 business days) and the accommodation provided soon thereafter, failure to do so may result in a violation of the Rehabilitation Act.

(1) If the decisionmaker intends to deny an accommodation, or offer a modified accommodation, he or she must consult with the DPM and servicing legal office prior to notifying the applicant or employee of the decision. The written decision to deny the individual's request for an accommodation will explain:

(a) The specific reason(s) for the denial for example, why the medical documentation is inadequate, or why the requested accommodation would be ineffective, or why the requested accommodation would pose an undue hardship.

(b) The written denial must identify the supervisor or manager and the office that made the decision and provide information about the individual's right to file an EEO Complaint and invoke other applicable statutory or regulatory processes, including the availability of the informal dispute resolution process. Providing an alternative accommodation to the one requested, is not a denial of reasonable accommodation if it is effective.

(2) If more than one accommodation is effective, the preference of the individual with a disability should be given primary consideration. The decisionmaker, however, has the ultimate discretion to choose between effective accommodations. The decisionmaker's written decision will explain the specifics of what accommodation was

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granted, or the reason(s) for denial of accommodation, and why the decisionmaker determined that the chosen accommodation would be effective.

(3) Once an employee has requested and been granted a type of reasonable accommodation that he/she is likely to need on a repeated basis (for example, sign language interpretation, Communication Access Real-Time Translation (CART) Services, or readers), the individual will not be required to engage in the reasonable accommodation process each time the accommodation is needed. Additionally, the employee is not required to submit a written request for recordkeeping purposes each time the accommodation is needed, but the employee must give appropriate advance notice each time the accommodation is needed to ensure adequate time to arrange for the accommodation.

(4) Additional resources on processing requests for reasonable accommodation are available to decisionmakers on the EEOC's public website <https://www.eeoc.gov>, including EEOC Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees under the Americans with Disabilities Act (July 27, 2000) (<https://www.eeoc.gov/laws/guidance/enforcement-guidance-disability-related-inquiries-and-medical-examinations-employees>) and EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act (revised October 17, 2002) (<https://www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada>).

6. Confidentiality.

a. The decisionmaker or any other official who receives information in connection with a request for reasonable accommodation may share information that is confidential and connected with that request only when other Army official(s) demonstrate a need to know, and the information will be used solely to: make determinations on an accommodation request; help the decisionmaker make a determination on an accommodation request; or, to implement the accommodation. Restricted information includes the fact that an employee has requested a reasonable accommodation. For example, IT personnel installing assistive hardware or software would need to know the installation was a reasonable accommodation in order to give the work order higher priority than routine work orders, but they would generally have no need to know any additional information.

b. All medical information will be kept confidential. DPMs, decisionmakers, and other persons who have access to information necessary to make a decision on a request or reasonable accommodation must maintain all related information in a secure location separate from the employee's personnel file and may not further disclose the information except as provided in AR 690-12, Appendix C. Usually, no one other than

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the DPM will require access to an employee's medical information. Most other officials will need only to know the limitations resulting from the medical condition/disability.

7. Requests for reasonable accommodation and PAS are protected EEO activity. It is unlawful to discriminate against or retaliate against any individual who has participated in protected EEO activity.

8. AFC Commanders and Directors will publish and post written Reasonable Accommodation command policy and procedure statements and display contact information for servicing Disability Program Managers or Reasonable Accommodation Coordinators.

9. Post a copy of this policy within the Command on unit bulletin boards and in work areas, and otherwise make the policy available to all AFC personnel. The point of contact for this memorandum is the AFC EEO Disability Program Manager, Ms. Renee P. Lee at (737) 990-5471, renee.p.lee.civ@mail.mil, or the AFC HQ Diversity and Inclusion Directorate at (512) 726-4151, usarmy.austin-tx.futures-cmd.mesg.afc-hq-diversity-all@army.mil.

10. This policy is effective until superseded or rescinded.



JAMES M. RICHARDSON
Lieutenant General, USA
Acting Commanding General

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