DEFENSE CONTRACT MANAGEMENT AGENCY

Personal Assistance Services (PAS) under Section 501 of the Rehabilitation Act Procedures Guidance

EQUAL EMPLOYMENT OPPORTUNITY
3901 A Avenue, Building 10500 Fort Lee, Virginia 23801

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Defense Contract Management Agency
Personal Assistance Services (PAS)
under Section 501 Rule of the Rehabilitation Act

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Defense Contract Management Agency (DCMA)
Personal Assistance Services (PAS)
under Section 501 of the Rehabilitation Act

1. BACKGROUND

1.1 Overview

On January 3, 2017, the Equal Employment Opportunity Commission (EEOC) amended the regulations implementing Section 501 of the Rehabilitation Act of 1973 (Section 501 Rule). Section 501 Rule prohibits the federal government from discriminating in employment on the basis of disability and requires the federal government to engage in affirmative action for individuals with disabilities. As part of its obligation to engage in affirmative action, federal agencies are required by the new rule to provide Personal Assistance Services (PAS) to individuals who need them because of certain disabilities. *See Title* 29 *C.F.R. § 1614.203(d) (5).*

Personal Assistance Services (PAS) are services that provide assistance to individuals with targeted disabilities to perform basic activities of daily living, such as removing and putting on outerwear, eating, using the restroom, or providing travel assistance for an employee with a mobility impairment. The Section 501 Rule requires federal agencies to provide PAS and reasonable accommodations to certain employees who have targeted disabilities unless doing so would impose an undue hardship on the agency. Federal agencies cannot discriminate against an individual based on the need for PAS.

1.2 Requirement to Provide PAS

The Office of the Secretary of Defense, the military departments, the defense agencies, the Department of Defense (DoD) field activities, and all other organizational entities within the DoD (referred to collectively as "DoD Components") are required to provide reasonable accommodations to individuals with disabilities if doing so would enable them to apply for a job, perform job functions, or enjoy the benefits and privileges of employment, absent undue hardship. For example, Defense Contract Management Agency (DCMA) may be required to provide sign language interpreters, readers, and assistance with note taking or photocopying, or permission to use a job coach as a reasonable accommodation.

The new Section 501 Rule requires DoD Components to provide PAS to individuals with targeted disabilities assistance to perform basic activities of daily living. For example, the agency may be required to provide individuals with targeted disabilities assistance with removing and putting on outerwear, eating, using the restroom, or providing travel assistance for an employee with a mobility impairment.

1.3 Expected Cost of PAS

The number of individuals with targeted disabilities that will require PAS is estimated to be very low. In the event that resources available to the Agency are insufficient to grant an

individual's request for PAS, the Agency may deny the request on the grounds that it would impose an undue hardship.

1.4 Affirmative Action Plan

The Section 501 Rule requires the DoD Components to prepare and submit to the EEOC for approval, an affirmative action plan that includes a copy of its PAS procedures and information on its efforts to implement them. The affirmative action plan must be submitted every year.

1.5 Purpose and Organization

The purpose of this document is to provide the Agency with guidance to meet its obligations under the Section 501 Rule by developing policies, practices, and procedures to ensure the provision of PAS for eligible employees.

The following topics are covered:

- Definition of PAS
- Nature and Scope of the Legal Obligation
- Relationship Between Reasonable Accommodation and PAS
- Process for Requesting PAS
- Selection and Evaluation of Providers
- Funding PAS
- Complaint Resolution Process for Employees and PAS Providers
- Enforcement
- Effective Date

2. DEFINITION OF PAS

The term “personal assistance services” means 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. For example, assistance in removing and putting on clothing, eating, and using the restroom. *See 29 CFR 1614.203(a) (5).*

The Section 501 Rule does not attempt to list every activity that might constitute PAS. The Agency is only required to provide PAS when the individual is working and while he or she is on work-related travel.

Personal Assistant Service does not include, for example, performing medical procedures (e.g., administering shots) or medical monitoring (e.g., monitoring blood pressure). The DCMA is not required to provide additional services to employees with disabilities, including services with getting to and from work, identifying transportation options and accessing transportation, assistance with becoming familiar with surroundings, and informational and navigational awareness as well as lightweight communication.

3. NATURE AND SCOPE OF LEGAL OBLIGATION

3.1 General

Under the Section 501 Rule, the affirmative action plan requires the Agency to provide an employee with PAS during work hours and job-related travel according to *Title 29 CFR 1614.203(d) (5) (i)*, including when:

- The employee requires such services because of a targeted disability;
- Provision of such services would, together with any reasonable accommodations enable the employee to perform the essential functions of his or her position; and
- Provision of such services would not impose undue hardship on the agency.

3.2 Eligibility of Individual

The DCMA is only required to provide PAS to an individual if:

- The individual is an employee of the Agency;
- The individual has a targeted disability;
- The individual requires the services because of his or her targeted disability;
- The individual will be able to perform the essential functions of the job, without posing a direct threat to safety, once PAS and any reasonable accommodations have been provided; and
- Providing PAS will not impose undue hardship on the Agency.

Targeted disabilities are a subset of conditions that would be considered disabilities under the Rehabilitation Act refer to https://www.opm.gov/Forms/pdf_fill/sf256.pdf. The federal government has recognized that qualified individuals with targeted disabilities face significant barriers to employment that are above and beyond the barriers faced by people with the broader range of disabilities. However, not everyone with a targeted disability will be entitled to PAS under the new regulations, because only some individuals with targeted disabilities require assistance with basic activities like eating and using the restroom. Impairments that are more likely to result in the need for PAS include, for example, missing limbs or paralysis due to spinal cord injury.

Targeted disabilities include the following:

- Developmental disability, for example, autism spectrum disorder
- Traumatic brain injury
- Deaf or serious difficulty hearing, benefiting from, for example, American Sign Language, Communication Access Real-Time (CART), hearing aids, a cochlear implant and/or other supports
- Blind or serious difficulty seeing even when wearing glasses
- Missing extremities (arm, leg, hand and/or foot)

- Significant mobility impairment, benefiting from the utilization of a wheelchair, scooter, walker, leg brace(s) and/or other supports
- Partial or complete paralysis (any cause)
- Epilepsy or other seizure disorders
- Intellectual disability
- Significant psychiatric disorder, for example, bipolar disorder, schizophrenia, post-traumatic stress disorder (PTSD), or major depression
- Dwarfism
- Significant disfigurement, for example, disfigurements caused by burns, wounds, accidents, or congenital disorders

3.3 Prohibition against Taking Adverse Action

Under the Section 501 Rule, the affirmative action plan prohibits the Agency from taking adverse actions against job applicants or employees based on their need for, or perceived need for PAS. *See Title 29 CFR 1614.203(d) (5) (iii).*

3.4 Scope of Obligation

The Section 501 Rule requires the Agency to provide PAS to employees who, because of a targeted disability, require such assistance in order to be at work, or participate in work-related travel. This includes providing PAS for employees to participate in employer-sponsored events, to the same extent as they must provide reasonable accommodations. The Rehabilitation Act requires reasonable accommodations that enable employees with disabilities to enjoy benefits and privileges of employment equal to those enjoyed by similarly situated employees without disabilities. Benefits and privileges of employment include physical access to spaces available to all employees (such as cafeterias or break rooms), employer-sponsored training, and employer-sponsored social events.

The Section 501 Rule only requires the Agency to provide PAS providers who will assist the employee with removing and putting on clothing, eating, using the restroom and similar activities to individuals with a targeted disability. The rule does not require the Agency to provide services that the individual does not need in order to participate in the workplace, or services that are needed for reasons other than disability. Further, the Section 501 Rule does not require DCMA to hire an assistant to perform essential functions of the individual's job, or to perform tasks that the individual can perform on his or her own.

3.5 Undue Hardship

Under the Section 501 Rule, the term "undue hardship" has the same meaning that it has in the reasonable accommodation context as set forth in *Title* 29 CFR part 1630. Granting a request for PAS will impose undue hardship on the Agency if it would result in "significant difficulty or expense."

Undue hardship considers the nature, extent, and cost of an accommodation or providing PAS in relation to the impact of the accommodation or the requirement to provide PAS on the

operation of the Agency's business. The Section 501 Rule emphasizes that, as with reasonable accommodation, the determination of whether granting an individual's request for PAS would impose "significant" difficulty or expense and must take into account all resources available to the Agency as a whole. The Agency's written reasonable accommodation procedures explain the term's meaning and application.

4. RELATIONSHIP BETWEEN REASONABLE ACCOMMODATION AND PAS

4.1 General

Reasonable accommodations include services that assist an individual to perform job-related tasks, such as sign language interpreters who enable individuals who are deaf to communicate with coworkers, and readers who enable individuals who are blind or have learning disabilities to read printed text. Other examples of reasonable accommodations include assistance in filing or manipulating paper documents and retrieving work materials that are out of reach. The Agency's obligation to provide reasonable accommodations is unchanged by the new Section 501 Rule.

The PAS allows individuals to perform activities of daily living that an individual would typically perform if he or she did not have a targeted disability such as assistance in removing and putting on outerwear, eating, using the restroom, or providing travel assistance for an employee with a mobility impairment. The PAS does not assist individuals with disabilities to perform their specific job functions.

The PAS does not require the Agency to assist employees in reviewing documents, answering questions that come through a call-in center, typing or reading work materials because those types of job-related services are already required as reasonable accommodations, absent undue hardship (DCMA would not be required to provide these specific accommodations if an alternative would be both less expensive and equally effective).

4.2 Reasonable Accommodations during Work-Related Travel

The DCMA may be obligated to pay the cost of a travel attendant to travel with an employee as a reasonable accommodation. *Title 29 CFR part 1630, app.1639.2 (o)* states that it may be a reasonable accommodation for an employer to provide the reimbursement of travel expenses for family members or other attendants (a travel attendant) needed by an employee with a disability to make work-related travel possible. When assignment of work-related travel results in an employee's inability to rely on his or her usual source of PAS during both work and off-work hours, the Agency will be required to provide a travel attendant at all times during that work-related travel, independent of the new regulations, as a reasonable accommodation. Each trip taken by an employee is considered a unique event and must be carefully considered as to how best provide the accommodation. For example, one trip might involve a single overnight stay, while another might involve being on travel for several weeks.

Even if an employee's usual PAS provider is available during work-related travel, the Agency will be required to pay any additional costs related to providing a travel attendant while on travel, such as transportation costs for the PAS provider, as a reasonable accommodation.

The Agency will always have the option of exploring with the employee the alternative of arranging for a travel attendant at the destination site, rather than paying for the employee's travel attendant to travel with him/her. This option can be explored even if the PAS is prepared to travel with the employee. If an employee insists on taking his or her PAS on work-related travel, the Agency may request justification to determine if the request is reasonable. The DCMA will recognize the delicate and intimate work of a PAS and not automatically assume that anyone will suffice.

4.3 Teleworking

The Section 501 Rule specifies that PAS must be provided during "work hours." The term "work hours" includes time that an employee is teleworking, whether the telework is part of the Agency's telework program available to all employees or is being provided as a reasonable accommodation. There is no legal reason to treat the provision of PAS for workers who are teleworking any differently from the provision of other services by individuals as a reasonable accommodation, such as sign language interpreters and readers. Determination of whether PAS can be provided to an employee who is teleworking should be made on a case-by-case basis as are decisions about reasonable accommodations. It is important not to revoke an individual's permission to telework because he/she is entitled to PAS under the new Section 501 Rule.

5. PROCESS FOR REQUESTING PAS

5.1 Adoption of Written Policies and Procedures

The Section 501 Rule specifies that the affirmative action plan requires DCMA to adopt, post on its public web site, and make available to all job applicants and employees in written and accessible formats, procedures for processing requests for PAS. The Agency is required to state in the reasonable accommodation procedures that the process for requesting PAS, the process for determining whether such services are required, and the Agency's right to deny such requests when provision of the services would pose an undue hardship, are the same as for reasonable accommodation. *See Title 29 CFR 1614.203(d) (5) (v).*

5.2 Requesting PAS

As with reasonable accommodation, an individual may request PAS by informing a supervisor, management, Disability Program Manager (DPM) or other appropriate individual that he/she needs assistance with daily life activities because of a targeted disability. The individual does not need to mention Section 501 or the EEOC's regulations explicitly, or use terms such as "PAS" or "affirmative action" to trigger the Agencies obligation to consider the request.

The request for a personal assistant is initiated when a DCMA employee's first line supervisor or management receives a verbal and/or written request. The process may also begin when the employee contacts the Agency's DPM, either verbally or in writing.

An employee wishing to request a personal assistant must submit a verbal or written request to his/her first line supervisor. Employees submitting a verbal request may subsequently be asked to provide a written request for internal record keeping purposes only. The verbal request will initiate the process even though a written request may follow. Written requests must be submitted on the DCMA Reasonable Accommodations Request/Personal Assistant Service Form (Appendix A).

Requests for a personal assistant submitted to any Agency official other than the employees' first line supervisor will be immediately forwarded back to the supervisor for appropriate action. When an employee has requested a personal assistant that he/she is likely to need on a repetitive basis, a verbal/written request is not required each time a personal assistant is needed.

A family member, friend, health professional, or other representative may request a personal assistant on behalf of an individual with a targeted disability. The supervisor should then confirm with the individual with the disability that he/she in fact wants a reasonable accommodation.

5.3 Role of EEO/DPM

The DCMA is responsible for ensuring that the DPM is given sufficient resources and training to comply with the new Section 501 Rule. However, the rule provides that the process for requesting PAS, the process for determining whether such services are required, and the Agency's right to deny such requests when provision of the services would pose an undue hardship, are the same as for reasonable accommodations. *See Title 29 C.F.R. § 1614.203(d) (5) (v).*

5.4 Determining/Documenting Need

To determine whether an individual is entitled to PAS and the nature of the required services, DCMA should use the same type of informal interactive process used for reasonable accommodation. The Agency should expect the process to be brief in most cases. An employee is not likely to request assistance with activities such as removing or putting on clothing, eating, or using the restroom unless it is truly necessary, and, in general, such assistance is only necessary for individuals who have targeted disabilities such as paralysis and missing limbs. For further information on the interactive process, refer to the EEOC's Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act (October 2002). https://www.eeoc.gov/policy/docs/accommodation.html#workplace

5.5 Interactive Process

When an employee with a disability makes a request for PAS in the workplace, the interactive process is initiated. If required, a disability determination must be made, an analysis

completed, and an "Action Plan" developed. If an Action Plan exists for a different type of PAS service, such plan should be updated with an addendum describing the new PAS service.

The Action Plan/Action Plan Addendum will include frequency, duration, and type of tasks to be performed in the most general terms. Both the employee and his/her supervisor/decision maker must sign the Action Plan/Action Plan Addendum and return it to the responsible staff prior to the start of PAS. (Appendix B).

The Agency will order the PAS and provide the employee and supervisor/decision maker with information instructing them on scheduling and canceling services as needed. The PAS provider will be provided with the following:

- Employee's name and contact information
- Work site location - name and address
- Start date
- End date if applicable
- General schedule of services
- General description of tasks to be provided, as agreed upon in the Action Plan/Action Plan Addendum.

The PAS provider will meet with the employee to review the details of the individual's needs, tasks to be performed, and the manner in which tasks are to be performed. The PAS provider will document specific needs for their own information and recordkeeping, but will not share such personal information with the Agency supervisor/decision maker.

In the event that the PAS provider believes that services requested by the employee with a disability falls outside of the Agency's written contract/agreement or the employee with a disability believes that he/she is not receiving appropriate services, both parties should immediately contact the DPM coordinator. The DPM will work with the employee and the PAS provider to resolve the situation. The supervisor/decision maker may need to be involved in some situations to assist with the resolution.

The employee must notify the DPM coordinator immediately if there are any changes needed to the services currently in place. The PAS coordinator will work with the employee and his/her supervisor/decision maker to address these changes. Changes in the type, manner or frequency of service cannot be made without consultation with and approval of the supervisor/decision maker.

The employee will be asked to acknowledge receipt of the PAS by signing paperwork provided by the PAS provider describing services provided. The schedule for PAS could be daily, weekly, or monthly, as established in the contract between DCMA and the PAS provider. If the employee believes that there is a discrepancy between what is listed on the paperwork and actual services received, he or she should notify the DCMA coordinator immediately.

5.6 Self-Identification (Office of Personnel Management (OPM) SF 256)

The Agency cannot require an employee to complete a self-identification form regarding whether he or she is an individual with a disability, such as OPM's voluntary "Self-Identification of Disability" form (SF-256) or any other self-identification form. The DCMA cannot require the completion of the form as a condition of receiving PAS. However, the Agency may count an individual who is receiving PAS in its annual disability workforce analysis, even if the individual does not self-identify as having a disability. *See Title 29 C.F.R. § 1614.203(d) (6) (ii).*

5.7 Confidentiality and Privacy

The Rehabilitation Act prohibits the disclosure of medical information except in certain limited situations. Information that is otherwise confidential under the Rehabilitation Act may be shared only with individuals involved in the PAS process who need to know the information to consider PAS for a specific individual.

6. SELECTION AND EVALUATION OF PAS PROVIDERS

6.1 Definition of PAS Service Provider

The term "personal assistance service provider" means an employee or independent contractor whose primary job functions include provision of PAS. *See Title 29 CFR 1614.203(a) (5).*

Under the Section 501 Rule, the affirmative action plan must state that PAS must be performed by a PAS provider.

- PAS providers are permitted to provide PAS services to more than one individual.
- PAS providers are permitted to perform tasks unrelated to PAS services if it does not result in failure to provide required PAS in a timely manner.

See Title 29 CFR 1614.203(d) (5) (ii).

6.2 Qualifications of PAS Providers

The Agency shall establish qualifications for PAS providers. The PAS need not be provided by a person who has medical training or qualifications.

6.3 Selection of PAS Providers (Use of federal employees or contractors)

6.3.1 General

The DCMA may use federal employees, independent contractors, or a combination of employees and contractors. The Agency also has discretion as to how to classify their PAS providers concerning pay grade, benefits, and leave.

6.3.2 Use of federal employees

The Agency can use Schedule A to fill positions on a full time, part-time, or temporary basis, as needed. The EEOC has issued a guide for federal agencies implementing reasonable accommodation procedures. Attachment B to EEOC's Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act includes sample language regarding the creation of staff assistance positions, including requesting staff assistant slots, use of staff assistants, hiring authority, and release of positions. *See Title 5 C.F.R. § 213.3102.*

It is not appropriate to require a person who does not provide PAS or similar services as part of his or her job, to assist another employee with tasks such as eating and using the restroom. However, the Section 501 Rule does not prohibit the Agency from assigning the responsibility to perform PAS to an existing employee who already performs a similar service as part of his or her regular job. When utilize this strategy, DCMA should ensure that the resulting number of providers is sufficient to provide PAS in a timely manner.

6.3.3 Use of independent contractor to provide PAS.

The DCMA may use appropriated funds to accomplish the purposes of the Rehabilitation Act when acting under the authority and the regulatory standards that govern its application. The Agency may contract or make other arrangements to use independent contractors to provide PAS.

6.4 Use of Pool of PAS Providers/Assigning One PAS Provider to Each Employee

It is permissible to use a pool of PAS providers as long as each individual who is entitled to PAS under the Section 501 Rule receives them in a timely manner. If utilizing a pool of PAS providers would foreseeably result in some individuals not receiving services when they are needed, the Agency should increase the number of available providers or arrange for dedicated PAS providers.

6.5 Consideration of Employee's Choice of a Particular PAS Provider

When hiring a PAS provider who will be exclusively assigned to an individual employee, or if that individual employee prefers a particular provider (e.g., because the provider has worked with him/her in the past), the Agency must give primary consideration to the employee's choice, to the extent permitted by law. It may not be possible to honor the individual's preferences in all cases and the Agency may choose a different provider. Examples of when DCMA may choose a different provider includes: when the individual’s preferred provider is not qualified or less qualified than another PAS provider; if the Agency decides to utilize a pool of shared providers instead of dedicated providers; for reasons of cost or convenience; or if the Agency decides to have appropriate existing employees provide PAS for reasons of cost or convenience.

6.6 Use of Own PAS Provider/Family Member

An individual may request permission to bring his or her own PAS provider to work as a reasonable accommodation if the individual does not request that the DCMA assume the cost of providing the services. If the individual wants the Agency to assume the cost of providing the services, the Agency may have reasons to choose a different provider. If the individual's own PAS provider or family member is hired as a professional PAS provider at the Agency, the Agency must compensate the PAS provider as either a contractor or federal employee.

6.7 Security Clearance for PAS Provider

If a PAS provider would have access to classified information, the Agency should find a provider who has, or who likely could obtain, the appropriate security clearance. Under some circumstances, finding such a provider may be sufficiently difficult as to constitute an undue hardship. If an individual with a targeted disability is unable to perform essential job functions because an appropriate PAS provider cannot be found, the Agency may consider the individual to be unqualified for the position.

6.8 Use of Volunteers/Co-Workers

If a current employee volunteers to provide PAS for his/her co-worker, the supervisor should seek advice from legal counsel before agreeing to such an arrangement. Otherwise, the Agency could be subject to undue liability. It is recommended that managers take a case-by-case approach and only consider allowing co-workers to voluntarily assist employees with disabilities when the Agency does not face potential liability and the assistance does not substantially disrupt the workplace. Assistance with taking off and putting on a coat, as well as putting items in or taking items out of a bag or purse are examples of services that could be provided by a co-worker. Before allowing a co-worker to assist with tasks such as chair transfers or assistance in using the restroom, the Agency should ensure that proper training is provided. Refer to the EEOC's Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act (October 2002).
https://www.eeoc.gov/policy/docs/accommodation.html#workplace

6.9 Unavailability of PAS Provider

The PAS providers should notify the Agency of any absences as soon as possible, so that it can make alternative arrangements. Such arrangements could include, for example, contracting with different providers on a short-term basis, adjusting the schedules of shared PAS providers, or allowing the individual to telework if the employee can work at home without the need for PAS provided by the Agency.

6.10 Assignment of Non-PAS Job Functions to PAS Providers

The Agency may employ PAS providers who also perform other work-related tasks. Sometimes these work-related tasks are those that are required as a reasonable accommodation. Other times, the work-related tasks are the type that any assistant would provide. If Agency does

assign additional duties to its PAS providers, it should ensure that those duties do not interfere with provision of PAS, and that all individuals who are entitled to PAS continue to receive them in a timely manner.

6.11 Finding PAS Providers

Applicants for PAS provider positions may be found by advertising the opening on USAJOBS and other job posting boards. Other resources include local vocational rehabilitation offices, American Job Centers, centers for independent living, home care agencies, and referrals from the employee who requested PAS. Contractors are available through GSA Advantage.

7. FUNDING PAS

7.1 Budgeting for PAS

Although federal agencies are generally not permitted to use appropriated funds on personal expenses for employees, those restrictions do not apply to services that DCMA are legally required to provide in order to comply with the Section 501 Rule. Refer to GAO, Principles of Federal Appropriations Law, 4th ed., 2017 rev., ch. 3, § C.6, GAO-17-797SP (Washington, D.C.: SEP. 2017). https://www.gao.gov/assets/690/687162.pdf

7.2 Reliance on Outside Sources to Pay for PAS

The DCMA may consider all available resources when arranging for PAS, such as a state or veterans' rehabilitation agency. However, the agency is ultimately responsible for ensuring that the services are provided in a timely manner and cannot rely on external availability of PAS as a reason for denying an employee's request.

8. COMPLAINT RESOLUTION PROCESS FOR EMPLOYEES & PROVIDERS

8.1 General

In the event that the PAS provider believes that the services requested falls outside of the Agency's written contract/agreement or the employee believes that he or she is not receiving appropriate services, both parties should immediately contact the DPM. The DPM coordinator will work with the employee, and the PAS provider to resolve the situation. The supervisor/decision maker may need to be involved in some situations to assist with the resolution.

8.2 Employee Complaint Resolution Process

If a complaint by an employee is not resolved on an informal basis, the formal complaint resolution process applicable to resolving reasonable accommodation requests shall apply.

8.3 Contractor Complaint Resolution Process

If the complaint by a PAS provider is not resolved on an informal basis, the formal complaint resolution process applicable to the contractor under the Federal Acquisition Regulations shall apply.

9. ENFORCEMENT

If the Agency fails to meet the Section 501 Rule requirements, it risks having its disability affirmative action plans disapproved by the EEOC. EEOC will work with the Agency to achieve compliance with all such requirements. However, where such efforts are not successful, the Chair of the EEOC may issue a notice to the head of any such noncompliant and publicly identify the agency.

10. EFFECTIVE DATE

The applicable date of the Section 501 Rule is January 3, 2018. *See Preamble to Section 501 Rule, 82 FR 654.*

APPENDIX A – REQUEST FOR PERSONAL ASSISTANT SERVICE

DEFENSE CONTRACT MANAGEMENT AGENCY

REQUEST FOR PERSONAL ASSISTANT SERVICES (PAS)

This form is to be completed by employees when requesting PAS. In cases where medical information is required to document the existence of a targeted disability, your health care provider will be required to complete a Physician's Statement, which will be used to assist DCMA in providing the requested for PAS. Submit request to eeodisability@dcma.mil or call 804-734-0808.

1. NAME OF EMPLOYEE	**2. TELEPHONE NUMBER**
3. DATE(S) OF REQUEST/INTERACTIVE PROCESS	**4. DATE(S) SUPERVISOR SUBMITTED THE REQUEST TO THE DISABILITY PROGRAM MANAGER FOR ACTION**
5. NAME OF SUPERVISOR/TITLE/ TELEPHONE NUMBER	**6. SUPERVISORS SIGNATURE:**

☐ **FIRST LINE SUPERVISOR/MANAGEMENT APPROVED PERSONAL ASSISTANT SERVICE**
☐ **DENIAL OF PERSONAL ASSISTANT SERVICE**
☐ **PENDING ADDITIONAL INFORMATION**

7. PERSONAL ASSISTANT REQUESTED *(Be as specific as possible, e.g., personal assistant request for individuals with a target disability – what assistant is needed):*

8. REASON FOR REQUEST:

8a. If personal assistant is time sensitive, please explain:

9. CERTIFICATION AND CONSENT BY EMPLOYEE
I hereby certify that all statements made above are true to the best of my knowledge and I hereby give my permission for the release of information about my service, disability and medical conditions(s) (i.e., disease and injury) to authorized agency officials

10. EMPLOYEE SIGNATURE/DATE

APPENDIX B - PERSONAL ASSISTANT SERVICE ACTION PLAN

PERSONAL ASSISTANT SERVICE (PAS)

ACTION PLAN

FOR INDIVIDUAL WITH A TARGETED DISABILITY

Start date of PAS: _____ **End date of PAS if applicable: _____**

Employee's Name	
Duty/home phone number	
Work-site location	
Work-site address	
Date employee notified supervisor/management of PAS request	
Supervisor's name/duty phone	
Date supervisor submitted PAS request to the DPM	
Specify the schedule, i.e., day(s) of the week service will be needed and the number of hour for PAS	
Providers Name/phone number if applicable	
Follow-up tasks	
GENERAL DESCRIPTION OF TASKS TO BE PROVIDED	

For questions, contact the Disability Program Manager, Debra Simmon at 804-734-0808 OR email eeodisability@dcma.mil.

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RESOURCES

Affirmative Action for Individuals with Disabilities in Federal Employment (January 3, 2017).

EEOC Questions and Answers: Federal Agencies' Obligation to Provide Personal Assistance Services under Section 501 of the Rehabilitation Act (September 18, 2017).
https://www.eeoc.gov/federal/directives/personal-assistance-services.cfm

DCMA Reasonable Accommodations Guidance (September 2020).
https://360.intranet.dcma.mil/Directorate/PH-D/DD/DDO/_layouts/15/DocIdRedir.aspx?ID=2RHRNME6RK5Q-1383621267-95

Accommodation and Compliance Series: Personal Assistance Services (PAS) in the Workplace, Job Accommodation Network – *www.askjan.org*.

EEOC's Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act (October 2002).
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