

PROCEDURES RELATED TO REQUESTS FOR PERSONAL ASSISTANCE SERVICES REQUESTS

If an employee or applicant needs this Policy in an accessible format to meet an individual's particular needs, please request the accessible documents from the ODNI's Reasonable Accommodation Coordinator at DNI-EEOD@dni.gov. These procedures are issued pursuant to the Rehabilitation Act of 1973, regulations promulgated by the Equal Employment Opportunity Commission (EEOC) at 29 C.F.R. § 1614.203(d)(5), and Executive Order No. 13164.

In addition to reasonable accommodations, ODNI will provide current employees with personal assistance services (PAS) during work hours and job-related travel. As part of its legal obligation under EEOC regulations to provide affirmative action for individuals with disabilities, the ODNI will provide PAS if:

the requesting employee has a targeted disability;¹

the requesting employee requires PAS because of his or her targeted disability;

the requesting employee will be able to perform the essential functions of the job, without posing a direct threat to safety, once PAS and any required reasonable accommodations have been provided; and

providing PAS to the requesting employee will not impose an undue hardship on the ODNI.

“PAS” 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, including, for example, assistance with removing and putting on clothing, eating, and using the restroom.

Example: Someone providing PAS might push a wheelchair or assist someone with getting into or out of a vehicle at the worksite.

¹ “Targeted disabilities” are a subset of conditions that would be considered disabilities under the Rehabilitation Act, and a list may be found on Office of Personnel Management Standard Form 256. *See* https://www.opm.gov/Forms/pdf_fill/sf256.pdf These disabilities include but are not limited to: deafness; blindness; missing extremities; partial paralysis; complete paralysis; convulsive disorders; mental retardation; mental illness; and distortion of limb and/or spine.

PAS do not include medical services, such as performing medical procedures (*e.g.*, administering shots) or medical monitoring (*e.g.*, monitoring blood pressure).

PAS are not intended to help individuals with disabilities perform their specific job functions, such as reviewing or preparing documents or providing analytical services. PAS differ from services that help 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. Those services are required as reasonable accommodations, if the individual needs them because of a disability and providing them does not impose undue hardship on the Agency.

The ODNI is not required to provide PAS to help an employee commute to work unless the employee is on work-related travel. When the ODNI's 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 ODNI is required to provide PAS at all times during that work-related travel as a reasonable accommodation (absent undue hardship). Additionally, even if an employee's usual PAS provider is available during work-related travel, the ODNI is required to pay any additional costs related to providing PAS while on travel, such as transportation costs for the PAS provider, as a reasonable accommodation.

The ODNI must also provide PAS for eligible employees to participate in ODNI-sponsored events, to the same extent as the ODNI 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.

PAS must be performed by a PAS provider. PAS providers may provide PAS to more than one individual. PAS providers may also perform additional work for the ODNI unrelated to PAS, to the extent that doing so does not result in a failure to provide timely PAS. When selecting someone to provide PAS to an individual, the ODNI will give primary consideration to the individual's preferences, to the extent possible and permitted by law.

The ODNI's process for individuals to request PAS, for determining whether such services are required, and for granting or denying PAS (including the determination of whether a grant of a

PAS request would pose an undue hardship) generally will be the same as for reasonable accommodations outlined above. Thus, as with requests for reasonable accommodation, an individual may request PAS by informing a supervisor, the Reasonable Accommodation Coordinator, or another authorized individual that he or she needs assistance with daily life activities because of a medical condition. The individual does not need to mention this policy explicitly, or use terms such as “PAS” or “affirmative action” to trigger the Agency’s obligation to consider the request.

To determine whether a requesting individual is entitled to PAS, and, if so, the nature of the required services, the RAC may ask the employee what types of PAS he or she needs using the same type of informal, interactive process used for reasonable accommodation (outlined above). The process for evaluating requests for PAS should be brief, in most cases. Where it is obvious that an employee has a targeted disability and needs the requested services, ODNI will not require the individual to provide medical documentation in support of the request.

The authorized official may deny a request for PAS if:

- the requestor is not an employee of the Agency;
- the requestor does not have a targeted disability;
- the targeted disability does not create a need for PAS;
- the requester is not able to perform the essential functions of the job, even with PAS and any reasonable accommodations;
- the requester would create a direct threat to safety on the job, even with PAS and any reasonable accommodations; or
- providing PAS would impose undue hardship on the Agency.

As with reasonable accommodation requests, medical information obtained as part of a request for PAS must be kept strictly confidential. Generally, information that is otherwise confidential under the Rehabilitation Act may be shared only with individuals involved in the PAS process – such as the RAC, PAS provider, or supervisor of the requestor – who need to know the information to consider or implement PAS for a specific individual.