



**DEPARTMENT OF DEFENSE EDUCATION ACTIVITY  
HEADQUARTERS  
4800 MARK CENTER DRIVE  
ALEXANDRIA, VA 22350-1400**

**MEMORANDUM FOR ALL DODEA EMPLOYEES**

**JUL 15 2020**

**SUBJECT: Returning to the Workplace / Reasonable Accommodations Requests**

The purpose of this memorandum is to provide the process for employees who are at higher risk for COVID-19, as defined by the Centers for Disease Control (CDC), to apply for a reasonable accommodation (RA). Currently, most DoDEA employees are performing work remotely because of the pandemic and local health conditions. However, once buildings and schools reopen, employees will be instructed to return to the workplace to support the mission of providing consistent and high-quality education to students. As employees are instructed to return to the workplace, DoDEA anticipates that some employees may request to continue working remotely because they are considered having a "higher risk" of harm should they contract COVID-19. Employees in this situation may request a RA.

Certain employees, by nature of their positions, are ineligible to telework or work from an alternate location. However, this unique situation calls for unique efforts. To both address the concerns of the workforce and ensure we can meet our mission requirements, we have created a process to quickly and fairly address these employee requests. The attached Frequently Asked Questions (FAQ) document details these efforts.

In addition, it is strongly encouraged that educators who are high risk for COVID-19 and concerned about the return to the workplace, submit an educator interest form for the DoDEA Virtual School (DVS) (<https://forms.gle/eVaMyQo429Dj61Ms7>). It is possible educators may be allowed to work from an alternate location off site, as determined by their supervisor at the DVS.

If an employee is not authorized to continue working from an alternate location, in an approved leave status, or approved for an RA which allows them to remain away from the workplace, employees will be expected to return to the workplace as instructed.

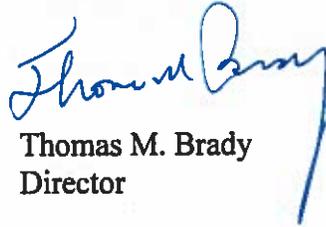
It is critical for employees who intend to request an RA do so as soon as possible to allow supervisors to predict and plan for their manpower needs. It is also highly recommended that employees utilize the attached form for the RA request process to ensure the approval authority has the necessary information. All RA requests will be considered on a case-by-case basis.

Ensuring the safety of DoDEA employees and students is of utmost concern. We are implementing numerous safety measures this school year to do just that, but we also recognize that we must provide options to employees who are high risk for COVID-19. If you have any questions about the reasonable accommodations process, please contact your Regional Disability Program Manager (Americas: Anna Revere, (470) 460-2026 ext 7026,

anna.revere@dodea.edu; Europe: Laura Tronge, 314-545-1858 DSN or +49-(0) 611-143-545-1858, laura.tronge@dodea.edu; Pacific: Marco Bagnas: (315) 644-5656 DSN or 011-81-98-953-5656, marco.bagnas@dodea.edu).

For questions related to the teacher interest process for the DVS, you can visit our website at <https://www.dodea.edu/returntoschool.cfm>.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas M. Brady", with a long, sweeping flourish extending to the right.

Thomas M. Brady  
Director

Attachments: As Stated

## **FAQ for Employees Seeking an Exception to a Return to Workplace Order (Reasonable Accommodation)**

### **Introduction**

This document addresses the overall concerns about safety when returning to the workplace as DoDEA contemplates reopening and provides guidance to employees who are seeking exceptions to a return to workplace order for their own personal medical needs by way of reasonable accommodations. These FAQs address the prospects, process, and availability of telework or performing work from an alternative location as a reasonable accommodation for employees occupying telework-eligible and non-telework-eligible positions.

Currently, most DoDEA employees are performing work remotely because of the pandemic and local health conditions. However, once buildings and schools reopen, employees will be instructed to return to the workplace to support the mission of providing consistent and high-quality education to students. As employees begin to return to the workplace, DoDEA anticipates that some employees may request to continue working remotely because they are considered having a “higher risk” of harm should they contract Covid-19.

This guidance addresses these situations in two distinct categories: non-telework eligible and telework eligible employees. How DoDEA treats a particular request is dependent upon which category the employee seeking the exception falls. Each of these is addressed below.

### **1. What is DoDEA doing to ensure the safety of employees and students?**

DoDEA is committed to taking the necessary measures to mitigate the risks associated with COVID-19, for both employees and students.

To that end, DoDEA has put in place numerous safety requirements and precautionary measures that follow The Center for Disease Control (CDC) and DoD guidance on a phased approach to reopening and to ensure employees and students are protected to the greatest extent possible. Lessons learned from end-of-year school events and risk analysis have led to developments in the areas of social distancing, the use of cloth face coverings, cleaning and disinfecting procedures for indoor and playground areas, and procurement of enhanced hygienic supplies and sanitizing products. Other lessons learned include the reconfiguration of some office, classroom and cafeteria spaces.

Procedures have also been developed to safely handle individuals who show symptoms of COVID-19, as well as local safety assessments that take into account community spread. DoDEA places a priority on safety and health and will continue to analyze and adjust plans to adhere to emerging CDC and DoD guidance.

### **2. What is the expectation for employees when given a return to the workplace order?**

If an employee does not have an approved reasonable accommodation that allows them to telework or work from an alternate location, they are expected to return to the workplace when instructed; or, be in an approved leave status. Employees who are requesting reasonable accommodations are encouraged to make their requests as soon as practicable, to ensure sufficient time to process the request before they are expected to return.

DoDEA has put in place safety requirements and precautionary measures to protect employees and students in coordination with the military community considering local health conditions. DoDEA will not reopen a school unless it has been deemed sufficiently safe to return to the school, in accordance with DoD guidance. Similarly, DoDEA will not return above-school level employees to the workplace unless it has been deemed sufficiently safe to return.

**3. If an employee was previously approved for telework or allowed to work from an alternative location in school year 2019-20 as an accommodation (resulting from the pandemic), will that accommodation still apply in school year 2020-21?**

No, all accommodations in place prior to the issuance of this guidance (resulting from the pandemic), will expire the earlier of:

- For school-level employees, the accommodations expired at the conclusion of school year 2019-2020.
- For above school level employees in non-telework eligible positions, accommodations will expire when an employee is instructed to return to the workplace.
- For above school level employees in telework eligible positions, accommodations will expire when an employee is not granted an extension to telework by their first-line supervisor and is instructed to return to the workplace.

If an employee believes they still need a pandemic related accommodation, they need to reapply through their first line supervisor who will coordinate with regional Disability Program Manager (DPM).

Note: Excluding employees on approved Authorized Departure, currently extended until August 10, 2020.

**4. How do DoDEA employees apply for a reasonable accommodation, such as telework or permission to work from an alternative location, as an exception to a return to work order?**

In general, DoDEA employees with an underlying medical condition that puts them at “high-risk” for severe illness from COVID-19 may apply for a reasonable accommodation through their first line supervisor who will coordinate with the Regional DPM.

All requests will be evaluated on a case-by-case basis.

Telework eligible employees may first request telework through their first line supervisor. If the supervisor determines that the employee needs to return to the workplace to successfully fulfill their position responsibilities, then the employee may apply for a reasonable accommodation.

## **5. Who is considered “high-risk?”**

A “high-risk” individual is one that is at elevated risk for severe illness from COVID-19 as detailed by [the Centers for Disease Control \(CDC\)](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fneed-extra-precautions%2Fgroups-at-higher-risk.html) ([https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fneed-extra-precautions%2Fgroups-at-higher-risk.html](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fneed-extra-precautions%2Fgroups-at-higher-risk.html) )

## **6. How are reasonable accommodation and other exception requests processed?**

The approval authority depends on the individual request (for example, whether the employee’s position is telework eligible or non-telework eligible), but the reasonable accommodations process remains the same for all accommodations as it did prior to the COVID-19 pandemic.

The Process: The request is coordinated between the DPM, the employee, and the approval authority. Approval or denial depends on a number of factors, including the nature of the position, the nature of the request, and other variables unique to each request.

Considerations: The DPM will specify what type of documentation an individual should provide with their request, but under most circumstances, employees will need to provide documentation demonstrating the need (eg., which high-risk category), a narrative statement explaining their concerns with their individualized work location and workspace, a statement from a physician that they (the physician) have advised the employee to self-quarantine or to stay-at-home to mitigate their personal risk, and what other mitigation options might satisfy the concern. These responses will help inform the approval authority during the decision making process.

## **7. Who approves requests for telework eligible employees?**

For telework-eligible employees, the approval authority for the reasonable accommodation process is the District Superintendent, Regional Chief of Staff, or Division Chief, depending on the employee’s position. The first line supervisor may determine that an employee may exclusively or primarily telework based on their authority in DODEA Administrative Instruction 5205.01. If the supervisor determines that the employee needs to return to the workplace to successfully fulfill their position responsibilities, then the employee may apply for a reasonable accommodation. The supervisor must weigh the need of the employee against their ability to effectively perform the responsibilities of their position from an alternate location.

## **8. Who approves requests for non-telework eligible employees?**

As mentioned above, for employees occupying positions that are not telework eligible, the Director has delegated approval authority to the AD/F&BO. While the positions remain ineligible for telework, under extremely limited circumstances, the AD/F&BO may be able to temporarily approve an alternative work location, to meet mission requirements. If the

For instance, a teacher could be offered a temporary detail to the Virtual School as an accommodation, if enrollment at the school creates the available position and the employee is well suited for the opportunity.

AD/F&BO cannot approve a particular request, the agency may offer alternative accommodations that are more suited to the employee and situation.

An HQ-level panel, comprised of subject-matter experts, will review each application and recommendation from the regional DPM and make a final recommendations to the AD/F&BO.

NOTE: Teachers or other school-level employees who are eligible for a reasonable accommodation, and also interested in a limited detail to the Virtual School, should submit accommodations request and the teacher detail interest form as soon as practicable to ensure the panel can cross-reference interest, availability and suitability for the Virtual School, the needs of the agency, and the specific RA request.

**9. What are the limits on providing reasonable accommodations to employees, including “high-risk” employees?**

Requests are considered unreasonable if they put an undue hardship on the agency and/or negatively impact the mission of providing consistent and high-quality education to students. Additionally, requests that require the agency to substantially change or eliminate an essential function of a position are considered unreasonable and will not be approved.

The agency will look at a variety of options to accommodate the employee. If a specific request is unreasonable, it does not mean that the agency will not provide an accommodation; however, the provided accommodation may not be the requested accommodation.

**10. Once an employee provides the documentation, will their reasonable accommodations request be approved?**

No. Providing documentation does not guarantee a request will be approved.

As mentioned above, the agency will examine each reasonable accommodations request on a case-by-case basis (as is done in all accommodations requests) to ensure the requested accommodation is appropriate and effective for the employee and the situation.

**11. What happens if a request is denied or an employee declines an accommodation offered by DoDEA?**

If an employee’s request for an exception to a return to the workplace order is denied, the employee will be required to report to the workplace.

If, at the conclusion of the RA request process the agency offers an employee an accommodation, but the employee chooses not to accept the accommodation(s) offered, the agency will close the request file and notify the employee it has done so. Absent extraordinary circumstances, the employee will be required to return to the workplace.

Only accommodations accepted by the employee will be implemented by the agency.

**12. Will DoDEA provide administrative leave (weather and safety) for “high-risk” employees?**

In most cases the answer is “no,” since schools are complying with social distance and precautionary measures to keep all employees and students safe in accordance with CDC and DoD guidance. Employees may request or be granted other available leave options through the processes described above.