



**DEPARTMENT OF DEFENSE
EDUCATION ACTIVITY
4040 NORTH FAIRFAX DRIVE
ARLINGTON, VA 22203-1635**

Diversity Management & Equal Opportunity Office

10-DMEO-004

Date: NOV 20 2009

**DEPARTMENT OF DEFENSE EDUCATION ACTIVITY
POLICY MEMORANDUM**

SUBJECT: Reasonable Accommodation

- Reference:** (a) Department of Defense Education Activity Memorandum, "Reasonable Accommodation," 09-DMEO-002, November 18, 2008 (hereby canceled)
- (b) Sections 791-795 of title 29, United States Code
 - (c) Sections 12101-12213 of title 42, United States Code
 - (d) Equal Employment Opportunity Commission's Policy Guidance on Executive Order 13164, "Establishing Procedures to Facilitate the Provision of Reasonable Accommodation," October 20, 2000
 - (e) Part 1614 of title 29, Code of Federal Regulations
 - (f) Section 3 of "Americans With Disabilities Act (ADA) Amendments Act of 2008"

It is the policy of the Department of Defense Education Activity (DoDEA) to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. This policy applies to all applicants, employees, and employees seeking promotional opportunities.

References (b) through (d), and (f), mandate that accommodations be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. Providing reasonable accommodations to employees with disabilities is the key to a non-discrimination policy of fair and equal employment for people with disabilities.

A person with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities; or has a record of such an impairment that substantially limits one or more major life activities; or is regarded as having an impairment, regardless of whether or not it limits or is perceived to limit one or more major life activities. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. An employee with a disability in need of an

accommodation must inform his or her supervisor when he or she knows there is a workplace barrier that is preventing him or her, due to a disability, from effectively competing for a position, performing a job, or gaining equal access to a benefit of employment. An employee has the responsibility of requesting accommodation before performance suffers or conduct problems occur.

A reasonable accommodation is a modification or adjustment in the manner in which work is customarily done in the performance of a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity. Examples of accommodations may include acquiring or modifying equipment or devices; modifying training materials; making facilities readily accessible; modifying work schedules; and reassignment to a vacant position in the event an employee can no longer perform the essential functions of his or her current position. An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of DoDEA.

Reasonable accommodation is applicable for the following to:

- Assure equal opportunity in the employment process,
- Enable a qualified individual with a disability to perform the essential functions of a job, and
- Enable an employee with a disability to enjoy equal benefits and privileges of employment.

Employees and supervisors should follow the procedures for requesting a reasonable accommodation found in DoDEA Pamphlet 09-EEO-01 located on the DoDEA DMEO Web page or by contacting a DMEO program manager.

Discrimination based on race, color, religion, sex, national origin, age (i.e., 40 and older), disability (i.e., mental or physical) or reprisal for taking part in an EEO protected activity is prohibited by part 1614 of title 29, Code of Federal Regulations (CFR) (Reference (e)), which provides policies and procedures for filing, processing, investigating, and settling discrimination complaints. Any employee or applicant for employment who believes he or she has been discriminated against has a right to use the DoDEA EEO counseling process. The aggrieved person must bring the matter to the attention of an EEO representative within 45 days of the occurrence. A counselor will be assigned and will have 30 calendar days to conduct an inquiry and attempt to resolve the matter. If not resolved, then the individual will be informed of their right to file a formal complaint. Contact information can be found at the DoDEA DMEO web page.

This policy should be posted on all official bulletin boards in compliance with subpart 1614.120(b)(6) of title 29, CFR (Reference (e)). Questions concerning this policy should be addressed to the Chief, DMEO Office, at (703) 588-3232.

This Memorandum is effective January 1, 2010.



Dr. Shirley A. Miles
Director

Cancelled