



UNITED STATES MARINE CORPS
MARINE CORPS AIR STATION
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ASO 12713.4
MPR
27 Sep 11

AIR STATION ORDER 12713.4

From: Commanding Officer
To: Distribution List

Subj: REASONABLE ACCOMMODATION FOR INDIVIDUALS WITH DISABILITIES

Ref: (a) Executive Order 13164 of 26 Jul 00
(b) The Equal Employment Opportunity Commission (EEOC)
Policy Guidance of 20 Oct 00 on Executive Order 13164
(c) Department of the Navy Civilian Human Resources
Manual, Subchapter 1606, Procedures for Processing
Requests for Reasonable Accommodation, September 2007
(d) Guide to DON CHRM 1606

Encl: (1) Reasonable Accommodation Request Form
(2) Reasonable Accommodation Request Checklist

1. Situation. This Order provides information and guidance, and assigns responsibilities for the administration of reasonable accommodation for individuals with disabilities.

2. Mission. The mission of reasonable accommodation is to enable an individual with a disability to enjoy the same employment opportunities that are available to persons without disabilities. This Order must be used in conjunction with references (a) through (d).

3. Execution

a. Commander's Intent and Concept of Operations

(1) Intent. Reasonable accommodation will be administered in compliance with this Order and higher headquarters requirements.

(2) Concept of Operations

(a) Every effort will be made to afford reasonable accommodation to qualified handicapped employees and applicants unless to do so would impose an undue hardship.

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distribution is unlimited.

(b) Employees who during the course of employment are unable to perform the essential functions of their present position because of a disabling condition may be reassigned to a vacant, funded position for which qualified with or without accommodation.

b. Terms

(1) Reasonable Accommodation. A logical adjustment made to a job and/or the work environment that enables a qualified handicapped/disabled person to perform the duties of that position.

(2) Essential Functions. Essential functions are: (1) those job duties that are the underlying primary purpose for a position, (2) those duties that could be performed by a limited number of other employees if it were assigned to them, or (3) the function is specialized and the incumbent is hired based on his/her ability to perform it. Therefore a person who cannot perform the essential duties of the position cannot do that job.

(3) Individual with a Disability. A person who has a mental or physical disability that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

(4) "Qualified" Person with a Disability. A qualified person with a disability is an individual with a disability who is otherwise qualified or capable of doing the essential functions of a job with or without reasonable accommodations.

(5) Reasonable Accommodation Advisory Team (RAAT). A small group consisting at minimum representatives from Legal, EEO, Human Resource Office (HRO), Manpower Directorate, Safety and Occupational Health who will review and consider the assignment of the employee with a disability to a vacant position.

(6) Undue Hardship. This pertains to a specific accommodation that involves significant difficulty or expense. This determination is made on a case-by-case basis based on the nature and cost of the specific accommodation, the size and budget of the organization, and the operational impact of the accommodation.

c. Roles and Responsibilities

(1) Deputy Equal Employment Opportunity Officer (DEEOO)

(a) The DEEOO is responsible for the overall administration of the reasonable accommodation program and for compliance with higher headquarters requirements per references (c) and (d).

(b) The DEEOO will carry out the duties of the Equal Employment Opportunity Reasonable Accommodation Program Coordinator unless otherwise assigned to another person.

(2) Equal Employment Opportunity Reasonable Accommodation Program Coordinator

(a) Serve as proponent for reasonable accommodation for Individuals with Disabilities (PIWD) and coordinate all reasonable accommodation requests.

(b) Ensure that all reasonable accommodation requests are processed in accordance with the provisions per references (c) and (d).

(c) Serve as Chair of the Reasonable Accommodation Advisory Team (RAAT).

(d) Take subsequent action on reasonable accommodation requests/requirements that cannot be satisfied internally by the first line supervisor.

(e) Maintain all case files and report reasonable accommodation requests per the annual Individuals with Disabilities (IWD) Affirmative Action Program (AAP) Plan and MD-715.

(f) Safeguard the confidentiality of medical information and limit its access on a strictly limited need to know basis.

(g) Report the number of reasonable accommodation requests received and all reasonable accommodation denials to higher headquarters.

(h) Complete all other reporting requirements and submit to higher headquarters as required.

(3) Employees and Job Applicants. The employee or job applicant:

(a) May initiate a request for reasonable accommodation with their immediate supervisor either orally or in writing.

(b) Must complete enclosure (1) to document their request and provide it to their supervisor or the selecting official.

(c) May seek assistance by contacting the Equal Employment Opportunity Reasonable Accommodation Program Coordinator or the Deputy Equal Employment Opportunity Officer.

(4) Management Officials and Supervisors (Military/Civilian)

(a) Ensure employees are provided with information about reasonable accommodation and how to initiate a request.

(b) Immediately contact the Reasonable Accommodation point of contact when an employee or applicant makes known their need for an accommodation.

(c) Review reasonable accommodation requests received, enclosure (1), and assess employee's qualifications and needs to determine the appropriate accommodation required.

(d) Complete all items identified in the Reasonable Accommodation Request Checklist provided at enclosure (2).

(e) Approve and provide for reasonable accommodation internally whenever possible; otherwise, forward reasonable accommodation requests to the Equal Employment Opportunity Reasonable Accommodation Program Coordinator.

(f) Supervisors will make the final decision as to what accommodation, if any, will be provided for the employee in their current position.

(5) Director, Manpower Directorate

(a) Assign a representative as member of the RAAT.

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(b) Assist the Reasonable Accommodation Point of Contact in the identification of available positions across the organization that are appropriate for consideration given the nature of accommodation.

(c) Provide administrative assistance in the reassignment of employees under reasonable accommodation.

(6) Reasonable Accommodation Advisory Team (RAAT). If an employee cannot be accommodated in their current position, the request will be referred to the RAAT. The responsibility of the RAAT is to:

(a) Confirm that an employee or applicant is a qualified individual with a disability.

(b) Confirm that an accommodation is required.

(c) Determine what appropriate and effective accommodation will be provided.

1. Pursue potential reassignment of the employee to a vacant position, for which qualified, of the same grade or lower grade with or without a reasonable accommodation if the employee cannot perform the essential functions or cannot be accommodated by leaving them in their current position.

2. Pursue an expanded job search through the HRSC-E per reference (c).

d. Coordinating Instructions

(1) Types of Reasonable Accommodation. There are three general categories of reasonable accommodation:

(a) Modifications or adjustments necessary to enable a qualified individual with a disability to perform the essential functions of the job (i.e., providing sign language interpreters, special computer keyboards or voice amplification devices). This may include reassignment to a vacant and equivalent position or to a lower level vacant position, if there are no equivalent positions available, for which the employee is qualified

(b) Modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment (i.e., removing physical barriers in an office). This may include use of flextime or telework under a flexible work arrangement.

(2) Medical Information

(a) If the disability and/or need for accommodation is not obvious or already known, employees or applicants for employment must provide relevant medical information concerning the disability pertinent to the requested accommodation.

(b) Additional medical information may be requested if the medical information provided:

1. Does not clearly explain the nature of the disability or the need for reasonable accommodation, or

2. Does not clarify how the reasonable accommodation will assist the employee to perform the essential functions of the job or enjoy the benefits and privileges of the workplace.

(c) The medical information may be reviewed by Occupational Health or by a medical expert at the command's expense.

(d) Per reference (a), medical information is not required where:

1. Both the disability and the need for reasonable accommodation are obvious or already known, or

2. The individual has already provided sufficient information to document the existence of the disability and functional limitations.

(e) All medical information shall be kept confidential in compliance with reference (a). Medical information may be shared only on a need-to-know basis.

(f) In order to maintain confidentiality, both the medical information and the reasonable accommodation request will be filed separately apart from official personnel files.

(3) Timeliness

(a) An employee or applicant for employment must be informed as soon as possible concerning the status of their reasonable accommodation request.

(b) If the request for reasonable accommodation in the employee's current position is straightforward and without undue hardship on the organization, final action to satisfy the reasonable accommodation request typically shall not exceed thirty (30) calendar days. In case of extenuating circumstances that preclude the preceding time limit, the requester shall be notified in writing prior to the 30-day period concerning the reason for delay and provided with the anticipated completion date.

(4) Reasonable Accommodation Placement

(a) An employee who cannot be accommodated in his/her current position may be offered:

1. An equivalent vacant position if the employee meets basic qualifications and is able to perform the essential functions with or without accommodation.

2. A position at a lower grade if no vacant equivalent position is available provided the employee meets basic qualifications and is able to perform the essential functions with or without accommodation.

(b) An employee may not receive a promotion or be placed in a position with greater promotion potential.

(c) Applicants for employment are not eligible for reassignment.

(d) A gaining supervisor may only contest the reassignment if:

1. The employee cannot perform the essential functions of the position with or without a reasonable accommodation.

2. It creates an undue hardship.

3. The employee poses a threat to health or safety that cannot be reduced with an accommodation.

(5) Denial of Reasonable Accommodation

(a) An accommodation may be denied when:

1. The individual is determined not to have a disability, as defined under the Rehabilitation Act.

2. The person cannot perform the essential functions of the job with or without an accommodation, and reassignment efforts were unsuccessful. Determinations that employee cannot perform the essential functions of the position must be substantiated by medical documentation.

3. The accommodation creates an undue hardship that would cause significant difficulty or expense, negative impact on Operations, or violation of seniority provisions of a collective agreement.

(b) If an individual's request for reasonable accommodation is denied, the individual will be notified in writing of the specific reason(s) for the denial including the office and individual who made the decision.

(c) Where a request for reasonable accommodation is denied and an alternate reasonable accommodation is offered, the notice will specify the reason(s) for denial and the rationale in support of the alternate accommodation.

(d) The notice of denial must also specify that the individual is encouraged to discuss the denial with the deciding official who made the decision. Should the individual continue to be dissatisfied, the individual can pursue other recourse no later than 45 days of the notice for denial by contacting the DEEOO.

(6) Declination of Reassignment. An employee that declines a reassignment offer may be removed from employment for inability to perform the essential functions of their current position.

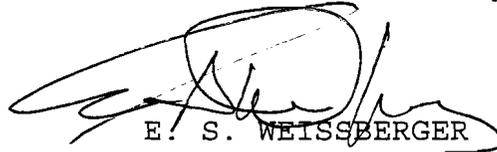
4. Administration and Logistics. Questions concerning the contents of this Order may be forwarded to the Reasonable

Accommodation Coordinator of the EEO Office at (252)466-2218/3438/3398.

5. Command and Signal

a. Command. This Order is applicable to Marine Corps Air Station, Cherry Point. Coverage under this Order extends to civilian employees and applicants for employment.

b. Signal. This Order is effective the date signed.



E. S. WEISSBERGER
Executive Officer

DISTRIBUTION: A

REASONABLE ACCOMMODATION REQUEST FORM

Name		Date
SSN	Title	
PP-Ser-Grade		Code
Work Phone	Check One: Employee <input type="checkbox"/> Applicant <input type="checkbox"/>	
Supervisor's Name		Supervisor's Phone
Describe the nature of your medical condition and your limitation (including whether the condition and/or limitations are permanent or temporary):		
Describe any impact of your present limitations on the performance of your duties:		

Describe any accommodation you believe would assist you in the performance of your duties:

If request is due to a work-related injury, please provide Worker's Compensation Claim :

Privacy Act Statement: The collection of this information is authorized by 29 USC 791 et seq. This information will be used to process a request for reasonable accommodation. As a routine use, the information may be disclosed to: appropriate agency officials processing or otherwise responding to the request for reasonable accommodation and/or decisions related to such request; an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which the DON is a party or has an interest; to a government agency in order to obtain information relevant to DON decision(s) concerning reasonable accommodation; to a congressional office in order to obtain information relevant to DON decision(s) concerning reasonable accommodation; to an expert, consultant or other person under contract with the DON to fulfill an agency function; to an investigator, administrative judge or complaints examiner appointed for the investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; to a labor organization as required by the Federal Labor Management Relations Act; to the Office of Personnel Management in making determinations related to disability retirement and benefit entitlement; to officials of the Office of Workers' Compensation Programs; to the Department of Veterans Affairs; to an employee's private treating physician and to medical personnel retained by the DON to provide medical services in connection with an employee's health or physical condition related to employment; and to the Occupational Safety and Health officials when needed to perform their duties. Completion of this form is voluntary. If this information is not provided, processing the request for reasonable accommodation may not be possible.

I certify that the statements and information contained in this document and any attachments are true and complete to the best of my knowledge. I hereby give permission to release any information contained in this request to authorized officials with a need to know.

Requestor's Signature

Date

The signature below acknowledges receipt of this request for accommodation and attachments if any.

REASONABLE ACCOMMODATION REQUEST CHECKLIST

Note: All requests for accommodation of employees in their current positions will be processed within 30 calendar days. Reasons for delay must be documented in the employees' case file. For example: waiting for medical evaluation/documentation or for obtaining special equipment needed to accommodate the employee.

REASONABLE ACCOMMODATION STEPS:

- 1. Supervisor receives a documented or verbal Reasonable Accommodation (RA) request. If verbal, the request must be documented on the Reasonable Accommodation Request Form. Forward to the RA POC NLT the next day. RA POC can be reached at (252) 466-2218/3438.
- 2. Set up initial meeting within two days with RA POC and employee to discuss possible accommodation options in current position and what additional documentation that may be needed to determine if the employee has a disabling condition that warrants reasonable accommodation.
- 3. Within five days of initial request, employee is given letters requesting necessary medical documentation indicating that the employee has five calendar days to respond to the request for medical documentation. All copies of documentation given to and received from employee are provided to the RA POC for inclusion in Case File.
- 4. Within one working day after supervisor received requested documentation, set up meeting with RA POC to review medical documentation to determine if in fact the employees has a disability (a physical or mental impairment that substantially limits one or more of his/her major life activities) and if they can be accommodated in their current position.
- 5. Supervisor determines the essential functions of the position in question and whether or not the employee can perform the essential functions with or without an accommodation. Upon completion, supervisor will schedule meeting with RA POC and the employee to discuss options/status of their request and explore alternatives such as assistive software/devices, modified furniture, job restructuring, etc.
- 6. If employee can be accommodated in their current position, this information is documented in the case file which is then closed. If not, the RA POC will inform the Reasonable Accommodation Advisory Team (RAAT) so that further options for accommodation can be explored. For example: reassignment to another funded vacant position.

Note: The RAAT membership consists of the RA POC, legal advisor, Manpower and Human Resources advisors and representatives from Safety and any other unit as deemed necessary for the evaluation and processing of the request for reasonable accommodation.