



## DoD INSTRUCTION 1020.06

# ESTABLISHING AND MAINTAINING COMPREHENSIVE REASONABLE ACCOMMODATION POLICIES AND PROGRAMS

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**Originating Component:** Office of the Under Secretary of Defense for Personnel and Readiness

**Effective:** January 17, 2025

**Releasability:** Cleared for public release. Available on the Directives Division Website at <https://www.esd.whs.mil/DD/>.

**Approved by:** Ashish S. Vazirani, Performing the Duties of the Under Secretary of Defense for Personnel and Readiness

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**Purpose:** In accordance with the authority in DoD Directive (DoDD) 5124.02, this issuance establishes policy, assigns responsibilities, and prescribes procedures for processing and providing reasonable accommodation to employees and applicants for employment with disabilities pursuant to:

- Sections 791 and 794 of Title 29, United States Code (U.S.C.), also known and referred to in this issuance as the “Rehabilitation Act of 1973.”
- Sections 12101 through 12117 of Title 42, U.S.C., also known as “Title I of the Americans with Disabilities Act, as amended;” Public Law 110-325, also known as “Americans with Disabilities Amendments Act of 2008;” and Sections 2000e-17 of Title 42, U.S.C., also known as “Title VII of the Civil Rights Act, as amended.”
- Equal Employment Opportunity Commission (EEOC) Management Directive 715.
- Parts 1614 and 1630 of Title 29, Code of Federal Regulations (CFR) and Executive Order 13164.

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## SECTION 1: GENERAL ISSUANCE INFORMATION

### 1.1. APPLICABILITY.

a. This issuance applies to:

(1) OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

(2) All DoD Component employees in appropriated and non-appropriated fund positions.

(3) Applicants for civilian employment in all DoD Components.

b. Nothing in this issuance should infringe on Inspector General of the Department of Defense statutory independence and authority in accordance with the Inspector General Act of 1978, as amended, in the Appendix of Title 5, U.S.C. In the event of any conflict between this issuance and Inspector General of the Department of Defense statutory independence and authority, the Inspector General Act of 1978 takes precedence.

### 1.2. POLICY.

DoD:

a. Establishes comprehensive and effective reasonable accommodation policies and programs for individuals with disabilities who are DoD employees subject to the limitations outlined in Section 2105(c) and (d) of Title 5, U.S.C., or applicants for employment.

b. Prohibits discrimination based on disability in all aspects of employment.

c. Remains a model employer of individuals with disabilities.

d. Identifies and removes barriers that impede equal opportunity and full participation of individuals with disabilities in the DoD workforce.

## **SECTION 2: RESPONSIBILITIES**

### **2.1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (USD(P&R)).**

The USD(P&R):

- a. Demonstrates commitment to DoD remaining a model employer of individuals with disabilities and communicates such commitment throughout DoD.
- b. Establishes and oversees DoD-wide reasonable accommodation policies and programs for individuals with disabilities.

### **2.2. EXECUTIVE DIRECTOR, OFFICE OF FORCE RESILIENCY (OFR).**

Under the authority, direction, and control of the USD(P&R), the Executive Director, OFR:

- a. Oversees implementation of and compliance with this issuance.
- b. Provides guidance to DoD Components on the development of policies, procedures, and guidelines for their organizations related to this issuance.

### **2.3. DIRECTOR, OFFICE FOR CIVIL RIGHTS AND EQUAL OPPORTUNITY POLICY (OCREOP).**

Under the authority, direction, and control of the USD(P&R), through the Executive Director, OFR, the Director, OCREOP:

- a. Advises the USD(P&R) regarding DoD remaining a model employer of individuals with disabilities.
- b. Provides guidance and direction to the DoD Components on and serves as the principal point of contact for:
  - (1) Oversight of compliance with and implementation of the Rehabilitation Act of 1973, the Americans with Disabilities Act, this issuance, and policies and plans for maintaining an affirmative program to promote the recruitment, hiring, advancement, and retention of qualified individuals with disabilities in the DoD civilian workforce.
  - (2) Oversight of DoD Component compliance with applicable laws, regulations, EEOC guidance, and all implementing issuances.
- c. Pursuant to DoDDs 1020.1 and 1020.02E, ensures DoD Components administer effective equal employment opportunity (EEO) and affirmative action programs for individuals with disabilities.

- d. Examines compliance reviews generated by the DoD Components and EEOC in accordance with applicable laws, regulations, and this issuance.
- e. Conducts compliance reviews with DoD Components to assess and advise on reasonable accommodation programs, affirmative employment, information and communication technology compliance, and other relevant disability related requirements and initiatives in accordance with DoDDs 1020.1 and 1020.02E.
- f. Collaborates with and provides periodic updates to EEOC, Office of Federal Operations on DoD Component's compliance with reasonable accommodation policies, procedures, and practices.
- g. Educates and trains the DoD Components on issues related to disability and reasonable accommodation policies and programs as appropriate.

#### **2.4. DOD CHIEF INFORMATION OFFICER.**

The DoD Chief Information Officer:

- a. Develops policies and procedures to implement Section 508 of the Rehabilitation Act of 1973 and oversees DoD compliance with Section 508 of the Rehabilitation Act of 1973.
- b. Advises individuals with disabilities regarding complaints about failure to make information and communication technology accessible in accordance with Section 508 of the Rehabilitation Act of 1973.
- c. Develops policies and procedures governing assistive technology use on DoD information technology infrastructure.

#### **2.5. DOD COMPONENT HEADS.**

The DoD Component heads:

- a. Demonstrate commitment to ensuring equal opportunity, inclusion, and accessibility for employees and applicants with disabilities.
- b. Establish and maintain comprehensive reasonable accommodation programs and prescribe procedures for providing reasonable accommodations to employees and applicants in accordance with EEOC requirements and this issuance. Such procedures and any modifications to an existing policy or procedures must be submitted to EEOC. DoD Components should provide a copy of their procedures and any subsequent modifications to the OCREOP for review before submission to EEOC.
- c. Allocate sufficient resources to effectively administer their reasonable accommodation program in accordance with Subpart 1614.203 of Title 29, CFR.

d. Oversee dissemination and implementation of all relevant internal policies and procedures within their respective DoD Components.

e. Ensure compliance with applicable laws and DoD Component guidelines including, but not limited to, Section(s) 501, 504, and 508 of the Rehabilitation Act of 1973, as amended, EEOC guidance, the Privacy Act as implemented in DoD Instruction (DoDI) 5400.11 and DoD 5400.11-R, this issuance, and all implementing DoD Component issuances.

## **SECTION 3: COMPREHENSIVE REASONABLE ACCOMMODATION PROGRAM REQUIREMENTS**

### **3.1. REASONABLE ACCOMMODATION IN THE DOD.**

a. Many individuals with disabilities can apply for and perform jobs without an accommodation. However, there may be workplace barriers that prevent some individuals with disabilities from applying for, or performing, jobs for which they are qualified.

(1) Workplace barriers may be physical or technological obstacles (e.g., inaccessible facilities or equipment), or they may be procedures or rules (e.g., concerning when, how, or where work is performed, when breaks are taken).

(2) Reasonable accommodations remove or reduce workplace barriers for individuals with disabilities.

b. The DoD is not required to provide reasonable accommodations that would impose an undue hardship on the agency's operation or would cause significant difficulty or expense. Factors to be considered in determining whether an accommodation would impose an undue hardship may include significant impact on national security operations or functions. This determination is fact-based and must be made on a case-by-case basis in accordance with applicable law, including the Americans with Disabilities Amendments Act of 2008 and Part 56 of Title 32, CFR.

c. Pursuant to Part 1614 of Title 29, CFR, DoD's budget as a whole must be considered when determining whether the expense of a potential accommodation constitutes an undue hardship. Budget resources allocated by statute for a specific purpose that does not include reasonable accommodation are excluded. It is unlikely that cost will be a basis for denying a request for reasonable accommodation.

d. Barriers and practices that impede promptly processing requests for reasonable accommodation and timely provision of approved accommodation will be identified and eliminated, in accordance with DoDD 1440.1 and this issuance.

e. Effective June 27, 2023 in accordance with Section 2000gg of Title 42, U.S.C. the Pregnant Workers Fairness Act, will extend certain rights and protections available through the Americans with Disabilities Amendments Act of 2008 and the Rehabilitation Act of 1973 to pregnant individuals by requiring reasonable accommodations to be provided for temporary functional limitations related to pregnancy and childbirth.

### **3.2. DOD COMPONENT CIVILIAN DISABILITY PROGRAM.**

Each DoD Component civilian disability program must:

a. Establish and maintain internal policies and procedures necessary to:

(1) Provide reasonable accommodation where needed, to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability, unless the accommodation would impose an undue hardship. An individual who poses a direct threat to the health or safety of other individuals in the workplace may not be a qualified individual for the purpose of this issuance. DoD may determine that an individual poses a direct threat through an individualized fact-based inquiry.

(2) In addition to necessary reasonable accommodations, provide personal assistance services (PAS) to employees that need them due to targeted disabilities to enable the employee to perform their job's essential functions. Personnel providing PAS in a space designated or accredited for handling, discussing, processing, or storing classified material must have a security clearance eligibility and access commensurate with that space or equivalent to the individual to whom they are providing PAS, in accordance with DoDI 5200.02.

(3) Implement policies, processes, and procedures to prevent disability discrimination in all aspects of employment including recruitment, hiring, promotions, job assignments, compensation, termination, training, employment benefits, and any other term, condition, or benefit of employment.

(4) Implement policies, processes, and procedures to prevent retaliation against an employee or applicant for employment because that individual made a request for, or received, a reasonable accommodation.

(5) Implement policies, processes, and procedures to prevent harassment based on disability in accordance with DoDI 1020.04.

b. Adopt and implement an affirmative action plan that provides sufficient assurances, procedures, and commitments to provide adequate hiring, placement, and advancement opportunities for individuals with disabilities at all levels of Federal employment.

c. Perform a workforce analysis at least annually to determine the percentage of its employees with disabilities and employees with targeted disabilities at the two grade level clusters in accordance with EEOC Management Directive 715.

d. At all levels within the Component, disseminate widely, implement, and oversee full compliance with the policies and procedures of this issuance, applicable Federal law, and all applicable guidance and implementing instructions from EEOC, Office of Personnel Management, Department of Justice, the U.S. Access Board, other Federal agencies, and DoD.

e. Include programs that are reasonably designed to gradually increase the number of employees with disabilities and/or persons with targeted disabilities pursuant to Subpart 1614.203 of Title 29, CFR.

f. Identify and eliminate barriers and practices that impede promptly processing requests for reasonable accommodation and timely implementation of approved accommodation for all employees and job applicants.



g. Ensure that anyone who is authorized to grant or deny requests for reasonable accommodation, or to make hiring decisions is:

(1) Aware that when determining whether a reasonable accommodation denial based on cost is lawful, all resources available to the DoD as a whole, excluding those designated by statute for a specific purpose, not just those available to the Component, are considered.

(2) Aware of and knows how to arrange for the use of DoD Component resources and the DoD Computer/Electronic Accommodations Program, in accordance with DoDI 1000.31.

(3) Cognizant of the classification and security levels associated with the Requestor's duty locations and aware of the restrictions on personnel and electronic devices associated with those levels.

h. Establish, publish, and post on the DoD Components public website and internal website, in accessible formats:

(1) Reasonable accommodation procedures that comply with this issuance and the contact information for the program office responsible for processing and adjudicating reasonable accommodation requests.

(2) PAS procedures and the contact information for the program office responsible for processing and adjudicating PAS requests.

(3) Explanation of rights and responsibilities under Public Law 90-480 (also known and referred to in this issuance as the "Architectural Barriers Act of 1968, as amended") and the contact information for the program office responsible for addressing physical accessibility of the DoD Component's facilities in compliance with the Architectural Barriers Act of 1968, as amended.

(4) Explanation of rights and responsibilities under Section 508 of the Rehabilitation Act of 1973 and contact information for the program office responsible for addressing information and communication technology accessibility in compliance with Section 508 of the Rehabilitation Act of 1973.

(5) A copy of the DoD Component's affirmative action plan submission to the EEOC.

i. Provide resources for reasonable accommodation decision makers to seek advice from subject-matter experts such as legal advisors, civilian personnel specialists, medical professionals or occupational therapists, and reasonable accommodation program managers with appropriate authorization.

## SECTION 4: PROCEDURES FOR REASONABLE ACCOMMODATION

### 4.1. GENERAL REQUIREMENTS.

- a. DoD Component policies and procedures for providing reasonable accommodations, hereinafter “Procedures,” must at least be consistent with this issuance.
- b. The Procedures must address the three categories of reasonable accommodations.
  - (1) Modifications or adjustments to a job application to permit an individual with a disability to be considered for a position (e.g., providing forms in alternative formats such as large print or braille; providing sign language interpreters; extending exam time limits).
  - (2) Modifications or adjustments to the work environment, or to the manner or circumstances under which the position is customarily performed that enable a qualified individual with a disability to perform the essential functions of that position (e.g., providing sign language interpreters; making existing facilities accessible; job restructuring or part-time or modified work schedules; providing leave; providing telework; acquiring or modifying equipment; changing tests, training materials, or policies; reassignment to a vacant position).
  - (3) Modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment (e.g., training, services, parties, or social functions).
- c. The Procedures must be easy to understand and written in plain language.
- d. Any DoD Component forms applicable to the reasonable accommodation process must be made available in alternate formats (e.g., large print or braille) that are accessible to individuals with disabilities.
- e. The Procedures must explain relevant terms consistent with applicable law and as defined in this issuance. DoD Components should give examples to clarify terminology, including those listed in the Glossary.
- f. The Procedures must include resources referenced in this issuance and materials available on EEOC’s public website, including:
  - (1) EEOC’s Enforcement Guidance on Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act.
  - (2) EEOC’s Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act.
- g. The DoD Component must ensure supervisory and managerial employees are aware of, and have access to, the resources listed in this issuance.

## 4.2. INITIATING THE REASONABLE ACCOMMODATION PROCESS.

The Procedures must state how to initiate the reasonable accommodation process and must explain that:

a. In general, a request for reasonable accommodation (request) initiates the reasonable accommodation process.

(1) A request is made when an individual (the Requestor) notifies the DoD Component that an adjustment or a change is needed at work or in the application process for a reason related to a medical condition.

(2) A request may be made by an employee or job applicant.

(3) A request may be made by a family member, friend, union representative, or medical professional on behalf of an employee or applicant. When a request is made on behalf of the employee or applicant, the DoD Component, where possible, will confirm the need for the accommodation with the Requestor.

(4) A request may be made orally or in writing but does not need to use specific words or phrases (e.g., “reasonable accommodation,” “disability,” or “Rehabilitation Act”).

(5) The Requestor can make the request any time the need for accommodation arises.

(6) The Requestor is not required to identify specific accommodation(s) at the time the request is made. Medical information and specific accommodations will be provided in accordance with this section.

(7) The Requestor may make the request to a range of DoD Component personnel, including:

(a) The Requestor’s immediate supervisor.

(b) A supervisor or manager in the Requestor’s immediate chain of command.

(c) The office designated by the DoD Component to oversee the reasonable accommodation process.

(d) Any DoD Component employee connected with the application process.

b. Supervisors and managers must know how to recognize a request and initiate appropriate disability related inquiries. The Procedures must provide specific guidance, including examples, on how to recognize a request for accommodation.

c. Requestors may be asked to complete a written form documenting the request for recordkeeping purposes. The written form must conform to the limitations for appropriate disability related inquiries such as requesting medical information or disability documentation in accordance with the Rehabilitation Act of 1973 and this issuance.

(1) The Procedures must state that the written form is available in alternate formats that are accessible to individuals with disabilities.

(2) The written form must be provided as an attachment or included with the Procedures.

(3) The Procedures must state that completion of the written form is not required for the DoD Component to begin processing the request.

d. Requestors who have recurring or on-going requests for reasonable accommodation (e.g., the assistance of sign language interpreters or readers) do not need to fill out a written form to document the need for accommodation or otherwise make a formal request each time that accommodation is needed. However, the Requestor should give appropriate advance notice, where feasible, each time the recurring accommodation is needed, unless arranged to do otherwise.

### **4.3. PROCESSING REQUESTS.**

The Procedures must explain the process for determining whether to provide a reasonable accommodation. Such Procedures must:

a. Explain the steps the DoD Component will take to communicate with the Requestor, obtain information needed to process the request, and evaluate possible effective accommodations based on an individualized assessment, also referred to as the “interactive process.” Such steps may include:

(1) Clarifying the request with the Requestor.

(2) Analyzing the particular job to determine essential functions.

(3) Obtaining and exchanging information with the Requester and other DoD Component personnel, as needed, regarding disability status, individualized needs, and alternatives in accordance with Paragraph 4.5.

(4) Consulting internal and external resources such as the DoD Computer/Electronic Accommodations Program, the Job Accommodation Network, and EEOC guidance, to evaluate possible effective accommodations based on the individual’s needs.

(5) Issuing a decision on the request, and if granted, providing the accommodation.

b. Identify who is authorized to decide (decision authority) on different types of requests, explain what types of accommodation requests (e.g., ordering assistive technology, removing architectural barriers) should be forwarded to the decision authority, describe the process that the DoD Component will take to refer a request to the decision authority, and specify time frames for such steps to be completed.

- c. Explain who will communicate with the Requestor about the status of their request and provide the contact information for the program office responsible for processing and adjudicating reasonable accommodation requests.
- d. Identify resources that Requestors and decision authorities can consult to identify and evaluate possible accommodations.
- e. Explain the steps the DoD Component will take to obtain information, adjudicate the request, and provide an accommodation.
- f. In accordance with Paragraph 4.2.d., explain how requests that are needed on a repeated basis or ongoing basis will be processed.
- g. Require the decision authority to communicate with the Requestor early in, and periodically throughout, the interactive process. Extensive discussions may not be necessary where the existence of the disability, the need for accommodation, and the nature of the effective accommodation are clear (e.g., an individual with a mobility impairment needs a larger desk to make space for a wheelchair).

#### **4.4. TIMELINESS.**

All Procedures must ensure that reasonable accommodation requests are processed timely, and when approved, implemented as soon as practicable. Such Procedures must:

- a. Ensure that time limits for processing requests and providing accommodations are as short as possible. Unnecessary delays responding to the request can result in a violation of the Rehabilitation Act of 1973. Relevant factors to determine whether there has been an unnecessary delay in responding to a request include:
  - (1) The reason(s) for the delay.
  - (2) The length of the delay.
  - (3) How much the Requestor and the DoD Component each contributed to the delay.
  - (4) What the DoD Component was doing during the delay.
  - (5) Whether the required accommodation was simple or complex to provide.
- b. Designate the maximum amount of time for the DoD Component to provide an accommodation or deny the request, absent extenuating circumstances that may be beyond the control of the DoD Component. In accordance with Paragraph 4.2.a., the time limit for processing a request starts when the accommodation is first requested.
- c. Explain that when a particular accommodation can be provided in less than the maximum amount of time designated in Paragraph 4.4., failure to provide the accommodation in a prompt manner may result in a violation pursuant to the Rehabilitation Act of 1973.

d. Explain that timeframes are paused while waiting for the Requestor or their health professional to provide medical documentation to support the request.

e. Provide for expedited processing of requests that are needed sooner than the maximum time frame. Expedited processing may be required if the accommodation is needed:

- (1) To enable an individual with a disability to apply for a job.
- (2) For a specific activity that is scheduled to occur shortly.

f. Address delays affecting the timeframe for processing and providing an accommodation. The Procedures must at least address the following requirements:

(1) Where there is a delay **processing** a request, the DoD Component must notify the Requestor of the reason for the delay, including any extenuating circumstances that justify the delay, and the estimated length of the delay.

(2) Where there is a delay **providing** a reasonable accommodation, the DoD Component will notify the Requestor of the reason for the delay, including any extenuating circumstances that justify the delay, and the estimated length of the delay.

g. Explain that an interim accommodation must be provided that allows the Requestor to perform some or all of the essential functions of the positions, absent undue hardship, when:

(1) The facts and circumstances known to the DoD Component make it reasonably likely that the individual will be entitled to a reasonable accommodation.

(2) The accommodation cannot be provided immediately.

#### **4.5. MEDICAL INFORMATION.**

The Procedures must explain when it may require a Requestor to provide medical information and the DoD Component's obligation to keep medical information confidential in accordance with the Chapter 28 of Title 29, U.S.C. (also known and referred to in this issuance as the "Family and Medical Leave Act" and Public Law 110-233 (also known as the "Genetic Information Nondiscrimination Act"). Such Procedures must:

a. Explain when a Requestor may be required to provide medical information that is sufficient to explain:

(1) The nature of the individual's disability.

(2) The need for reasonable accommodation, including the limitations created by the disability and how they may impact the position's essential function or limit major life activities, major bodily functions, or access to the benefits and privileges of employment.

(3) How the requested accommodation, if any, will assist the individual to apply for a position, perform the position's essential functions, or enjoy the benefits and privileges of the workplace.

b. Explain that a Requestor will not provide medical information where:

(1) The Requestor's disability and need for accommodation are obvious.

(2) The DoD Component has determined the Requestor has already provided sufficient information or medical documentation to determine the existence of a disability and their functional limitations.

c. State that the request for medical information is limited. Only information relevant to making a decision about the reasonable accommodation will be requested. If a Requestor has more than one disability, the request for medical information must be limited to the disability that requires a reasonable accommodation.

d. Explain when the DoD Component may request relevant supplemental medical information if the information submitted does not meet the requirements of Paragraph 4.5.a.(1) through (3). Diagnosis and medical documentation will only be released to the decision authority determining if a disability exists. Information related to the documentation, such as the sufficiency of the documentation and individualized limitations imposed by the disability, must be released to the DoD Component or reasonable accommodation decision authority.

e. Explain that medical information may be reviewed by a medical expert chosen by DoD Component at the DoD Component's expense and that such reviews will be conducted within the time limit prescribed in accordance with Paragraph 4.4.

f. Establish the DoD Component's obligation to keep confidential all medical information obtained in connection with a request, in accordance with Subpart 1630.14 of Title 29, CFR, and this issuance. Appropriate personnel will ensure any medical documentation and/or information obtained from an employee is collected and maintained on separate forms in the official employee medical folder, separated from their personnel folder, and be treated as a confidential medical record.

g. Describe when a DoD Component may disclose confidential medical information. A DoD Component will not disclose confidential medical information except to:

(1) Supervisors, managers, and subject matter experts who need to know about necessary restrictions on the work or duties of the employee and about the necessary accommodation(s) and the legal personnel advising them.

(2) First aid and safety personnel if the disability might require emergency treatment.

(3) Government officials when necessary to investigate the agency's compliance with the Rehabilitation Act of 1973.

(4) In certain circumstances, workers' compensation offices or insurance carriers.

(5) DoD Component EEO officials to maintain records and evaluate and report on the Component's performance in processing reasonable accommodation requests.

#### 4.6. REASSIGNMENT.

a. The Procedures must explain that reassignment to a vacant position for which an employee is qualified is a reasonable accommodation. Reassignment as an accommodation is considered **only if** there are no other effective accommodations that would enable the employee with a disability to perform the essential functions of their current position or if all other possible accommodations would impose undue hardship.

b. Reassignment is non-competitive. The individual is not required to compete for the position and need only be qualified (not best qualified) for reassignment as an accommodation. The DoD Component is not required to create a new position or move others from their position to create a vacancy.

c. Reassignment as a reasonable accommodation is available to employees, regardless of competitive or probationary employment status. Probationary employees are eligible for reassignment if they successfully performed the essential functions of the position, with or without reasonable accommodation, before the need for reassignment arose. Reassignment as a reasonable accommodation is not available to applicants.

d. Reassignment as a reasonable accommodation must be considered before terminating an employee with a disability who cannot be accommodated in their current position. If an employee is required to accept a lower-graded position because they could not be accommodated in the current position, the employee may be eligible for pay retention in accordance with Volume 536 of DoDI 1400.25.

e. The Procedures must inform supervisors and other relevant employees how to search for available vacancies when considering reassignment as a reasonable accommodation. The Procedures should address:

(1) Circumstances when it would be appropriate to consider reassignment as a reasonable accommodation.

(2) The process for initiating a search for a vacant position for which the employee is qualified.

(3) Acceptance or rejection of the accommodation.

f. Reassignment is not limited to vacancies within a particular department, facility, or geographical area. Absent undue hardship, the DoD Component must conduct a Component-wide search for vacant, funded positions at the same or a lower grade that the employee can perform with or without reasonable accommodation in geographic locations to which the employee is willing to move at their own expense.



g. An employee with a disability should not be required to accept a reassignment if there is an accommodation that would allow the individual to remain in their current position and does not pose an undue hardship.

#### **4.7. DENIAL OF A REQUEST.**

a. The Procedures must explain that individuals who have been denied reasonable accommodation have the right to file an EEO complaint in accordance with Subpart 1614.106 of Title 29, CFR.

b. The Procedures must require the decision authority to provide the Requestor with a notice that explains the reason the request for reasonable accommodation was denied. The notice must:

(1) Be issued to the Requestor at the time the request is denied.

(2) Be provided to the Requestor in writing and in an accessible format when requested.

(3) Explain the reason the request was denied.

(4) Inform the Requestor of available internal appeal or informal dispute resolution processes.

(5) Inform the Requestor of the right to challenge the denial by filing an EEO complaint of discrimination in accordance with Part 1614 of Title 29, CFR, and provide instructions on how to file an EEO complaint in accordance with Volume 1614 of DoDI 1400.25.

(6) Explain that, in accordance with Subpart 1614.105 of Title 29, CFR, the right to file an EEO complaint will be lost unless the applicant or employee initiates contact with an EEO counselor within 45 days of denial, regardless of whether the applicant or employee participates in an informal dispute resolution process. The requirement to timely initiate contact with an EEO counselor is not tolled by other alternative dispute resolution processes within EEO.

c. If there are two or more options for reasonable accommodations, and one costs more or is more burdensome than the other, the DoD Component may proceed with the less expensive or burdensome accommodation if it is effective based on the individualized needs of the individual. Such an alternate effective reasonable accommodation will be considered a modification rather than a denial of reasonable accommodation.

(1) Written notification for modifications will explain both the reasons for the denial of the requested accommodation and the reasons the modified accommodation is believed to be effective based on the needs of the individual.

(2) The DoD Component is not required to establish that it is an undue hardship to provide the more expensive or more burdensome accommodation if more than one accommodation is effective and a modified accommodation has been approved. The preference of the individual with a disability should be given primary consideration in such cases.

However, the DoD Component has the ultimate discretion to choose between effective accommodations.

## **SECTION 5: DATA COLLECTION AND REPORTING REQUIREMENTS**

a. DoD Components will maintain data on each reasonable accommodation request. DoD Components data collection will at least include:

- (1) The specific reasonable accommodation requested, if any.
- (2) For job applicants, the job (i.e., occupational series, grade level, and DoD Component) sought by the requesting applicant.
- (3) For civilian employees, the job (i.e., occupational series, grade level, and DoD Component) held by the requesting employee.
- (4) Whether the accommodation was needed to apply for a job, perform the essential functions of the job, or enjoy the benefits and privileges of the job.
- (5) Whether the request was granted, an alternate accommodation was granted, or the request was denied.
- (6) For requests that were denied, the basis for such denial.
- (7) The identity and contact information of the deciding official.
- (8) The number of days taken to process the request for reasonable accommodation.

b. DoD Components will ensure records and information created in accordance with this issuance are retained in accordance with DoDI 5015.02 and DoD Component records management disposition schedules, policies, procedures, and authorized retention disposition authorities.

## SECTION 6: TYPES OF REASONABLE ACCOMMODATION

Reasonable accommodation may include, but is not limited to:

### **a. Facility Accessibility.**

Existing facilities will be made accessible to, and usable by, individuals with disabilities as an accommodation. This requirement applies to employee work areas and non-work areas used by the DoD Component's employees for other purposes (e.g., break rooms, lunchrooms, restrooms, cafeterias).

### **b. Job Restructuring.**

(1) Job restructuring as an accommodation includes reallocating or redistributing marginal job functions that an employee is unable to perform because of a disability; and altering when or how a function, essential or marginal, is performed.

(2) DoD Components are not required to reallocate essential functions nor lower production standards — whether qualitative or quantitative — that are applied uniformly to employees with and without disabilities as a reasonable accommodation but can do so if it wishes.

### **c. Modifying Work Schedules.**

Modifying work schedules as an accommodation may involve:

- (1) Adjusting arrival or departure times;
- (2) Providing periodic breaks;
- (3) Altering when certain tasks are performed;
- (4) Allowing an employee to use accrued paid leave; or
- (5) Providing additional unpaid leave.

### **d. Modifying Workplace Policy.**

Modifying workplace policy as an accommodation only requires that the DoD Component modify the policy for the employee with a disability who needs the accommodation. Examples may include granting an exception to telework eligibility criteria as defined in DoDI 1035.01, time and attendance, and security policies or protocols for the employee or applicant with a disability. The DoD Component may continue to apply the policy to all other employees.

### **e. Acquiring or Modifying Equipment or Devices.**

- (1) Acquiring or modifying equipment or devices as an accommodation may include:

- (a) Raising the height of a desk to accommodate an employee who uses a wheelchair;
  - (b) Purchasing amplified stethoscopes for use by nurses and physicians with hearing impairments; or
  - (c) Providing assistive technology, such as computer screen readers, for employees with vision impairments.
- (2) Such acquisition or modification must be consistent with the security requirements associated with the space in which the equipment or device will be used.

**f. Adjusting or Modifying Training Materials.**

Appropriately adjusting or modifying training materials as an accommodation provides an employee with a disability with an equal opportunity to participate in training, education, and professional development activities. In accordance with Volume 410 of DoDI 1400.25, such accommodations may include providing sign language interpreters, Communication Access Realtime Translation services, and producing written materials in alternative formats.

**g. Providing Qualified Reader Services.**

Providing qualified reader services as an accommodation includes providing services of a reader to read materials to an individual with vision impairments.

**h. Effective Communication Accommodations.**

Accommodations necessary to provide effective communication may include:

- (1) Interpreters for different types of sign language;
- (2) Communication Access Realtime Translation;
- (3) Captioning of videos and video-streamed presentations;
- (4) Use of video relay services;
- (5) Video remote interpreting services; or
- (6) Other accommodations.

**i. Physical Modifications to the Workplace.**

Physical modifications as an accommodation for individuals with disabilities that impose limitations impacting cognitive functioning, such as concentration, may include room dividers, partitions, soundproofing, or visual barriers between workspaces.

**j. Adjusting Supervisory Methods.**

- (1) Adjusting supervisory methods as an accommodation may include:

- (a) Communicating assignments, instructions, or training by the medium that is most effective for the individual with a disability;
  - (b) Adjusting the level or structure of supervision;
  - (c) Providing or arranging for additional training; or
  - (d) Adjusting the frequency of communication between the supervisor and employee.
- (2) DoD Componenta are not required to reassign an employee to a new supervisor as a reasonable accommodation but can do so if it wishes.

**k. Leave.**

- (1) Accommodations related to using leave may include granting an exception to leave procedures established in Enclosure 3, Volume 630 of DoDI 1400.25, permitting the use of accrued leave or providing additional unpaid leave for necessary medical treatment.
- (2) DoD Components must not penalize an employee for work missed while taking leave as an accommodation.
- (3) This section does not limit or impact any rights available to employees through the Family and Medical Leave Act.

**l. Transportation.**

- (1) Transportation accommodations may include making DoD Component-provided transportation accessible or providing reserved parking spaces. While distinct from a reasonable accommodation, providing personal assistant services such as a travel attendant to act as a sighted guide to assist an employee with a vision impairment on work-related travel may be required.
- (2) Employees are responsible for their individual commutes and arranging transportation to and from work unless the employer is providing transportation for all employees. If the employer is providing transportation, then that transportation must be accessible.

**m. Reassignment.**

See Paragraph 4.6.

## GLOSSARY

### G.1. ACRONYMS.

<b>ACRONYM</b>	<b>MEANING</b>
CFR	Code of Federal Regulations
DoDD	DoD directive
DoDI	DoD instruction
EEO	equal employment opportunity
EEOC	Equal Employment Opportunity Commission
OCREOP	office for civil rights and equal opportunity policy
OFR	office of force resiliency
PAS	personal assistance services
U.S.C.	United States Code
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

## G.2. DEFINITIONS.

Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

<b>TERM</b>	<b>DEFINITION</b>
<b>assistive technology</b>	<p>Any item, piece of equipment or system, whether acquired commercially, modified, or customized, that is commonly used to increase, maintain, or improve functional capacities of individuals with disabilities. The term includes traditional assistive technology hardware and software, along with mainstream technology used for assistive purposes, virtual assistive technology delivered as a Web service, and products integrated into a system that provides assistive technology functions that allow individuals with disabilities to access information and communication technology. Examples include:</p> <ul style="list-style-type: none"><li>Screen enlargers that act like magnifiers to help individuals with low vision.</li><li>Onscreen keyboards that allow individuals who are unable to use a standard keyboard to select keys using methods such as a pointing device or switch.</li><li>Voice recognition, instead of using a mouse or keyboard.</li><li>Alternative input devices that enable individuals to control their computers through means other than a standard keyboard or pointing devices (e.g., head-operated pointing devices and sip-and-puff systems controlled by breathing).</li><li>Screen readers that allow users who are blind to hear what is happening on their computer by converting the screen display to digitized speech.</li></ul>



<b>TERM</b>	<b>DEFINITION</b>
<b>benefits and privileges</b>	<p>“Benefits and privileges” of Federal employment may include, but are not limited to, DoD Component-sponsored training (whether provided by the DoD Component or an outside entity), services (e.g., employee assistance programs, credit unions, cafeterias, lounges, gymnasiums, auditoriums, transportation), social and professional functions, emergency evacuation plans, and workplace communications through e-mail, public address systems, or during meetings, regardless if that communication relates directly to performance of an employee’s essential job functions.</p> <p>“Benefits and privileges” of Federal employment may also include opportunities for advancement, such as details, temporary team leader or acting supervisor designations, and other special assignments.</p>
<b>confidential medical information</b>	<p>All information obtained regarding an applicant or employee’s medical condition or history, including documentation of their diagnosis or symptoms. Confidential medical information must be collected and maintained on separate forms in the official employee medical folder, separate from their personnel folder.</p>
<b>direct threat</b>	<p>A significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation that is determined through an individualized fact-based inquiry.</p>
<b>disability</b>	<p>Defined in Part 1630 of Title 29, CFR</p> <p>An individual only “regarded as” disabled is not entitled to a reasonable accommodation.</p> <p>The term “individual with a disability” does not include individuals currently engaging in the use of illegal drugs when an employer acts on the basis of such use; and tests for illegal drugs are not subject to the restrictions on medical examinations imposed by the Rehabilitation Act of 1973.</p>

**TERM**

**DEFINITION**

**disability related inquiry**

A “disability related inquiry” is a question (or series of questions) that is likely to elicit information about a disability and may include the following:

Asking an employee whether they have (or ever had) a disability or how they became disabled or inquiring about the nature or severity of an employee’s disability.

Asking an employee to provide medical documentation regarding their disability.

Asking an employee’s co-worker, family member, doctor, or another person about an employee’s disability.

Asking about an employee’s genetic information.

Asking about an employee’s prior workers’ compensation history.

Asking an employee whether they currently are taking any prescription drugs or medications, whether they have taken any such drugs or medications in the past; or monitoring an employee’s taking of such drugs or medications.

Asking an employee a broad question about their impairments that is likely to elicit information about a disability (e.g., What impairments do you have?).

**TERM**

**DEFINITION**

**essential functions**

The fundamental job duties of the employment position the individual with a disability holds or desires. Essential functions do not include marginal functions. A job function may be considered essential for any of several reasons, including, but not limited to:

The reason the position exists is to perform that function.

There are a limited number of employees available among whom the performance of that job function can be distributed.

The function may be highly specialized so that the incumbent in the position is hired for their expertise or ability to perform the particular function.

Evidence of whether a particular function is essential includes, but is not limited to:

The DoD Component's judgment as to which functions are essential.

Written job descriptions prepared before advertising or interviewing applicants for the position.

The amount of time spent on the job performing the function.

The consequences of not requiring the incumbent to perform the function.

The terms of a collective bargaining agreement.

The work experience of past incumbents in the job.

The current work experience of incumbents in similar jobs.

**impairment**

Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or any mental or psychological disorder, such as an intellectual disability (formerly termed "mental retardation"), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

**TERM**

**DEFINITION**

**impairment that substantially limits a major life activity**

An impairment is a disability within the meaning of this definition if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. An impairment need not prevent, or significantly or severely restrict, the individual from performing a major life activity in order to be considered substantially limiting. Not every impairment will constitute a disability.

It should easily be concluded that the following types of impairments will, at a minimum, substantially limit the major life activities indicated:

Deafness substantially limits hearing.

Blindness substantially limits seeing.

An intellectual disability that substantially limits brain function.

Partially or completely missing limbs or mobility impairments requiring the use of a wheelchair substantially limit musculoskeletal function.

Cancer substantially limits normal cell growth.

Cerebral palsy substantially limits brain function.

Diabetes substantially limits endocrine function.

Epilepsy substantially limits neurological function.

Human Immunodeficiency Virus (HIV) infection substantially limits immune function.

Multiple sclerosis substantially limits neurological function.

Muscular dystrophy substantially limits neurological function.

Major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive compulsive disorder, and schizophrenia substantially limit brain function.

The types of impairments described in this definition are not exhaustive and may substantially limit additional major life activities not explicitly listed above.

<b>TERM</b>	<b>DEFINITION</b>
<b>information and communication technology (formerly referred to as electronic and information technology).</b>	<p>Any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion, or duplication of data or information. Information and communication technology also includes any equipment or interconnected system or subsystem of equipment that is used in the automatic acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, reception, or broadcast of data or information. The term includes, but is not limited to:</p> <ul style="list-style-type: none"><li>Electronic content, including e-mail, electronic documents, and Internet and Intranet websites.</li><li>Telecommunications products, including video communication terminals.</li><li>Computers and ancillary equipment, including external hard drives.</li><li>Software, including operating systems and applications.</li><li>Information kiosks and transaction machines.</li><li>Videos.</li><li>IT services.</li><li>Multifunction office machines that copy, scan, and fax documents.</li></ul>
<b>major bodily function</b>	<p>The operation of a major bodily function may include, but is not limited to:</p> <ul style="list-style-type: none"><li>Functions of the immune system.</li><li>Special sense organs and skin.</li><li>Normal cell growth.</li><li>Digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions.</li><li>Operation of an individual organ within a body system.</li></ul>

**major life activities** In general, major life activities include, but are not limited to:

Caring for oneself.

Performing manual tasks.

Seeing.

Hearing.

Eating.

Sleeping.

Walking.

Standing.

Sitting.

Reaching.

Lifting.

Bending.

Speaking.

Breathing.

Learning

Reading.

Concentrating.

Thinking.

Communicating.

Interacting with others.

Working.

In determining other examples of major life activities, the term “major” must not be interpreted strictly to create a demanding standard for disability.

<b>TERM</b>	<b>DEFINITION</b>
<b>mental impairment</b>	Any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
<b>PAS</b>	Assistance with performing activities of daily living that an individual would typically perform if they did not have a disability, and that is not otherwise required as a reasonable accommodation. Examples of PAS include assistance with removing and putting on clothing, eating, and using the restroom.
<b>physical impairment</b>	Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems.
<b>qualified</b>	The term “qualified,” with respect to an individual with a disability, means that the individual satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of such position. Whether an individual is a qualified individual with a disability is ultimately a legal issue and the servicing legal office should be consulted if qualification is questioned.
<b>reasonable accommodation</b>	<p>Any change in the work environment or in the way things are customarily done that enable a qualified individual with a disability to have EEO in applying for a position with the DoD, performing the position held or desired, or enjoying equal benefits and privileges of employment as are enjoyed by employees without disabilities.</p> <p>Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or</p> <p>Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable an individual with a disability who is qualified to perform the essential functions of that position; or</p> <p>Modifications or adjustments that enable a DoD employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities. Factors including, but not limited to, work environment, conditions, and job classification may be considered in determining whether employees are similarly situated.</p>

**TERM**

**DEFINITION**

**request for reasonable accommodation**

A statement that an individual needs an adjustment or a change at work for a reason related to a medical condition. A request may be made orally or in writing. The employee need not make the request themselves. The Requestor does not need to use specific words or phrases—such as “reasonable accommodation,” “disability,” or “Rehabilitation Act”—to make the request. Examples include:

An employee informs their supervisor of having trouble getting to work at the scheduled start time because the employee is undergoing medical treatments.

A new employee, who uses a wheelchair, informs the DoD Component that the wheelchair does not fit under the office desk.

**undue hardship**

With respect to the provision of an accommodation, an undue hardship means significant difficulty or expense. The determination that a specific accommodation would impose an undue hardship must be based on an individualized assessment. Factors to be considered include:

The nature and cost of the accommodation needed.

The overall financial resources of the DoD Component facility making the reasonable accommodation, the number of persons employed at this DoD Component facility, and the effect on expenses and resources of the facility.

The overall financial resources, size, number of employees, and type and location of facilities of the DoD Component.

The overall financial resources of DoD as a whole, excluding resources designated by statute for a specific purpose that does not include reasonable accommodation.

The type of operation or operations of the DoD Component, including the composition, structure, and functions of the DoD Component’s workforce.

The impact of the accommodation on the nature of the operation or mission of the DoD Component, including the impact on the ability of other employees to perform their duties and the impact on the DoD Component facility’s operation or mission.



## REFERENCES

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- Code of Federal Regulations, Title 32, Part 56
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- DoD Directive 1020.02E, “Diversity Management and Equal Opportunity in the DoD,” June 8, 2015, as amended
- DoD Directive 1440.1, “The DoD Civilian Equal Employment Opportunity (EEO) Program,” May 21, 1987, as amended
- DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008, as amended
- DoD Instruction 1000.31, “Computer/Electronic Accommodations Program (CAP),” October 26, 2018
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Public Law 90-480, “Architectural Barriers Act of 1968, as amended,” August 12, 1968

Public Law 110-233, “Genetic Information Nondiscrimination Act of 2008,” May 21, 2008

Public Law 110-325, “Americans with Disabilities Amendments Act of 2008,” January 1, 2009

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United States Code, Title 42