



Defense Logistics Agency **INSTRUCTION**

DLAI 1440.01
Effective: November 28, 2022

OPR: DLA Equal Employment Opportunity (DO)

SUBJECT: Reasonable Accommodations (RA) for Individuals with Disabilities

REFERENCES:

- (a) Rehabilitation Act of 1973 as amended
- (b) 29 CFR 1614.203 Rehabilitation Act
- (c) 29 CFR 1630 Regulations to Implement the Equal Employment Provisions of the American with Disabilities Act (ADA)
- (d) Executive Order 13164, Establishing Procedures to Facilitate the Provision of Reasonable Accommodation (July 26, 2000)
- (e) DoD Directive 1020.1, Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense, November 21, 2003
- (f) DLAI, 1440.01, Reasonable Accommodations (RA) for Individuals with Disabilities, September 29, 2022 (hereby canceled)

1. PURPOSE:

- a. This instruction carries out DLA policy, assigns responsibilities, and sets procedures for providing RA to individuals with disabilities.
- b. To create an agency-wide program which follows uniform RA management.
- c. To create guidelines that make sure accommodations meet standards.
- d. To improve awareness of RA methods, procedures, and timelines.

2. SUMMARY OF CHANGES:

- a. Incorporates the new 508 compatible template.
- b. Reference (f) updated.
- c. Updated Enclosure 1, 3(f), and added 3(g) stating the new approving authorities for Remote Work Requests as a RA.
- d. Removed Responsibility 5(f) Director of Human Resources as the Approving Authority for RA Remote Work Requests.
- e. Updated 7 DLA General Counsel's Role
- f. Enclosure 2, Decision Phase 2.b(3) added a note
- g. Added Activity Approving Official to the Glossary
- h. Changed definition for Remote Work under Part 2 of the Glossary

3. APPLICABILITY: This Instruction applies to all of DLA. Any provision in a collective bargaining agreement that conflicts with this Instruction will take precedence for employees covered by the applicable agreement.

4. DEFINITIONS: See Glossary.

5. POLICY: It is DLA policy to grant qualified applicants and employees with disabilities equal access to all agency programs and services.

6. RESPONSIBILITIES: See Enclosure 1.

7. PROCEDURES: See Enclosure 2.

8. INFORMATION REQUIREMENTS: RA procedures are on the EEO website page, listed under "What EEO Offers."

9. RELEASABILITY: UNLIMITED. This instruction is approved for public release. It is available on the internal DLA Issuances Website.

10. INTERNAL CONTROLS: The internal management control requirements (see Responsibilities and Procedures) are subject to evaluation, testing, and approval. RA process owners should:

- a. Review all related procedures for compliance every year.
- b. Limit access to RA information to those with a need to know.
- c. Conduct monthly quality assurance reviews on the RA database.
- d. Conduct annual compliance reviews to make sure all offices handle sensitive information and records management properly.

11. EXPIRATION DATE: DLA will reissue or cancel this instruction by the fifth anniversary of its publication date. If not, it will automatically expire.

ALEETA D. COLEMAN
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DLA Transformation

Enclosure(s)

Enclosure 1 – Responsibilities

Enclosure 2 – Procedures

Glossary

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ENCLOSURE 1: RESPONSIBILITIES

1. DIRECTOR, DEFENSE LOGISTICS AGENCY. The DLA Director will:
 - a. Make sure the Agency's RA Program complies with all applicable laws, executive orders, and directives.
 - b. Assign enough people, space, and budget to provide enterprise-level support.
 - c. Ensure non-discrimination in all DLA programs, processes, and services.

2. DIRECTOR, DLA HEADQUARTERS OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY. The EEO Director must:
 - a. Make sure the Agency's RA Program complies with all applicable laws, executive orders, and directives.
 - b. Assign enough people, space, and budget to provide enterprise-level support.
 - c. Appoint a full-time Disability Program Manager (DPM).
 - d. Set up and manage a RA tracking application that complies with agency Audit Readiness and Section 508 principles.
 - e. Follow compliance with federal requirements, identify and address employment barriers that individuals with disabilities face, and improve the effectiveness of the RA Program.
 - f. Actively oversee and audit case files and conduct a comprehensive annual review and report of the RA Program.
 - g. Provide technical support to local Equal Employment Opportunity Directors (EEOs) and Disability Program Coordinators (DPCs).
 - h. Train EEO practitioners and DLA workforce on agency RA procedures.

3. MSC COMMANDERS AND DIRECTORS. The DLA HQ and MSC Commanders and Directors must:
 - a. Display a commitment to providing RA for eligible individuals with disabilities while ensuring equal opportunity in all programs, employment practices, and services.
 - b. Provide enough staff and budget to support RA efforts at all locations.

- c. Follow compliance with federal requirements, identify and address employment barriers that individuals with disabilities face, and improve efficiency of the RA procedures.
- d. Follow RA reporting compliance.
- e. Appoint a DPC.
- f. Designate an Activity Approving Official (AAO) to serve as the Decision Maker (DM) for all Remote Work RA requests.
- g. Establish local procedures for routing Remote Work RA requests to the servicing J1 Customer Account Manager (CAM) and Office of General Counsel (DG) for review prior to sending to the AAO for a decision.

4. DIRECTOR, DLA INFORMATION OPERATIONS (J6). The J6 Director must:

- a. Appoint a Section 508 Coordinator to follow agency compliance with the Rehabilitation Act. The primary duty of the Section 508 Coordinator is to make sure DLA's Information Technology systems are accessible to all users, regardless of disability.
- b. Provide the EEO Director with copies of any 508 reports as described by DOD Manual 8400.01.
- c. If needed, engage in the interactive process by conducting a technology review, providing written advice, or recommending accommodations in support of all requests involving assistive technology or agency computers. Install approved software to support reasonable accommodations.

5. DIRECTOR, DLA HUMAN RESOURCES (J1). The J1 Director must:

- a. Show commitment and equality in supporting the DLA RA process for applicants and employees.
- b. Follow compliance with federal hiring requirements and address barriers associated with individuals with disabilities.
- c. Make sure that DLA Human Resource Services and DLA Training help the EEO Director in developing and putting into effect procedures to support effective accommodations.
- d. Set up telework and remote duty location assignment policies.
- e. Set up job vacancy search procedures for employees unable to perform the core functions of their current position.

6. DIRECTOR, DLA INSTALLATION SUPPORT (DS). The DS Director must:
 - a. Show commitment and equality in supporting accommodations for applicants and employees.
 - b. Set and publish timely procedures for agency level support for all furniture and building accessibility requests.
 - c. Provide and publish procedures for accessible parking as a means of reasonable accommodation.

7. DLA GENERAL COUNSEL (DG). The DG must conduct legal sufficiency reviews of all RA denials, all requests for remote work as a RA, and all RA request decisions that might set a precedent.

ENCLOSURE 2: PROCEDURES1. REQUEST PHASE:

a. Employees, or their representatives, may make a written or oral RA request to their first-line supervisor, DPC, or any management official in their chain of command. If an employee first makes the request to a member other than the DPC, that official must immediately tell the DPC.

b. Management Officials must collaborate with DPCs and provide acknowledgment to the employee. The DPC must then provide notice of rights and responsibilities to the employee and the Decision Maker (DM). Once completed, the DPC must manage the electronic case file in the agency's RA system.

c. Applicants must request RAs according to instructions outlined in each job announcement. After the assigned HR specialist receives a request, they must respond to the request, and collaborate with their DPC.

2. DECISION PHASE:

a. Employee. A request for an RA begins with an interactive and flexible collaboration between the employee and supervisor to identify an effective accommodation.

b. The interactive process may include:

(1) An analysis of the job by Human Resources (HR) to decide its purpose and essential functions.

(2) Talking with the employee to discover:

(a) The precise job-related limitations imposed by the individual's disability.

(b) The accommodations that could overcome those limitations.

(3) An identification of potential accommodations and, with the employee's help, an assessment of the effectiveness of those accommodations in enabling the employee to perform the essential functions of the job. Note: The accommodation must effectively address the employees' limitations but may not necessarily be the exact accommodation the employee requested.

(4) The accommodation will effectively address the employee's needs but may not necessarily be the exact accommodation the employee requested.

(5) The DM may request through the DPC medical documentation outlining the employee's functional limitations to make an effective evaluation of the employee's request. The DPC must provide the employee with a medical documentation form for the employee's doctor to complete and return.

(6) The DM must seek advice from the DPC and when necessary, from General Counsel, Human Resources, and other specialists to evaluate the employee's request. Management officials must not provide PII or other sensitive information to parties who don't need it to approve or deny the request. The DM must record all approvals on DLA Form 1887-2 while confirming all denials on DLA Form 1887-1.

(7) The agency's goal is to decide on all employee RA requests within 45 days. If a request for medical documentation exceeds that limit, each MSC EEO office may elect to either extend or close the current request until the employee provides medical documentation. If an interim accommodation can be temporarily provided while the individual requests medical documentation, the DM must evaluate and provide the interim accommodation. Processing and completing applicant requests for accommodation should be 5 days, or the closing date of the Job Announcement, whichever is earlier.

(8) Employees dissatisfied with a decision on their RA request, may contact their local EEO office to obtain information about their rights.

3. IMPLEMENTATION PHASE:

a. The DPC must work with management officials and other organizations to make sure the individual receives the services of the granted accommodation. The DPC must handle all requests for assistive technology according to the latest instructions from J6 and the 508-compliance team.

b. Each MSC must name enough DPCs to serve as points of contact, and be responsible for:

(1) Making workspaces accessible.

(2) Buying furniture, equipment, and obtaining services like sign language interpreters.

4. SUSTAINMENT PHASE: The agency and employees are responsible for asking for equipment or software accommodation upgrades or replacements, according to agency policy. J6 must identify an alternative means of providing software accommodations in instances when Computer/Electronic Accommodations Program services are not available.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

AAO	Activity Approving Official
CAM	Customer Account Manager
CFR	Code of Federal Regulations
DG	Office of General Counsel
DLA	Defense Logistics Agency
DLAI	Defense Logistics Agency Instruction
DO	Equal Employment Opportunity and Diversity Office
DoD	Department of Defense
DM	Decision Maker
DPC	Disability Program Coordinator
EEOD	Equal Employment Opportunity Director
EEO	Equal Employment Opportunity
HQ	Headquarters
IT	Information Technology
MSC	Major Subordinate Command
RA	Reasonable Accommodation
SOP	Standard Operating Procedure
USC	United States Code

PART II. DEFINITIONS

Assistive Technology. Electronic equipment, software programs, or electronic systems which improve the abilities of individuals with disabilities. Examples include Tandberg's voice-recognition software, screen reading software, TTY telephones.

Days. Business Days, unless specified.

DLAI. A DLA Instruction that sets policy, assigns responsibilities, and documents procedures within the functional area assigned to the J-Code and D-Code Staff.

Effective Accommodation. One that will allow the employee to perform the essential functions of the job.

Executive Order. Legally binding orders given by the President, acting as the head of the Executive Branch, to Federal Administrative Agencies.

Individual with a Disability. An individual with a disability is one who has:

1. A mental or physical impairment that substantially limits one or more major life activities.
2. A record of such limitation; OR
3. Is regarded as having such limitation.

Simply being regarded as having a disability does not require the agency to grant an accommodation.

Physical or Mental Impairment. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:

- Neurological
- Musculoskeletal
- Special sense organs
- Cardiovascular
- Reproductive
- Digestive
- Respiratory
- Genitourinary
- Hemic and lymphatic
- Skin
- Endocrine
- Any mental or physiological disorder such as:
 - mental retardation
 - organic brain syndrome
 - emotional or mental illness
 - specific learning disabilities

Qualified Individual with a Disability. An individual who satisfies the necessary skill, experience, education, and other job-related qualifications for the position and who with or without reasonable accommodation can perform the essential duties of the position.

Reasonable Accommodation. A change in the work environment or the way things are normally done that would enable an individual with a disability to enjoy equal employment opportunities.

Examples include changes or adjustments to:

- The application procedures to permit an individual with a disability to be considered for a job, such as by providing application forms in large print or Braille.
- Enable a qualified individual with a disability to perform the essential functions of the job, such as by providing sign language interpreter.
- Enable individuals with disabilities to enjoy equal benefits and privileges of employment, such as by removing physical barriers in buildings.

Remote Work. (Also referred to as a remote duty location assignment) is an approved arrangement in which an employee, under a written remote work agreement, performs their work exclusively at an approved alternative worksite (usually the employee's primary residence). This arrangement does not require the employee to report regularly to an agency worksite; however, the employee may be recalled to the agency worksite to meet business related needs. The remote worker's location may be local or distant in nature:

- Local remote work: remote work arrangement where the remote worker's alternative worksite is within the local commuting area/recallable distance and within the geographic locality pay area of the agency worksite.
- Distant remote work: remote work arrangement where the remote worker's alternative worksite is outside the local commuting area/recallable distance or outside the geographic locality pay area of the agency worksite.