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MEMORANDUM

Date: April 18, 2018
To: NCPC Staff
From: Marcel Acosta, Executive Director
Subject: Procedures for Providing Personal Assistance Services

Attached is the NCPC Procedures for Providing Personal Assistance Services. Debra Dickson is the Disability Program Manager and Camille Parks is the Deputy Program Manager. If you have questions, please see Debra or Camille.

Attachment



Personal Assistance Services Procedures

Procedures for Providing Personal Assistance Services

PREPARED BY THE NCPC EEOC PROGRAM MANAGER

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APPROVAL SIGNATURE

The *Personal Assistance Services Procedures*, version 1 was prepared for the use of the National Capital Planning Commission.

Approved by & Date: _____// Original Signed //_____

Marcel C. Acosta
Executive Director
National Capital Planning Commission

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DOCUMENT CHANGE HISTORY

Version Number	Date	Author	Description
01	12/22/2017	Grace Kim	<ul style="list-style-type: none">Initial draft
02	1/4/2018	Debra Dickson	<ul style="list-style-type: none">Comments and edits to draft

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Personal Assistance Services Procedures

I. Purpose

The purpose of this document is to establish the National Capital Planning Commission's (NCPC) procedures on handling requests for Personal Assistance Services (PAS) in accordance with 29 C.F.R. § 1614.203(d)(5) and the Rehabilitation Act of 1973.

II. Authority

Section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended, 29 U.S.C. §791 *et seq.* 29 C.F.R. § 1614.203(d)(5)

III. Policy on Personal Assistance Services

In accordance with the Rehabilitation Act of 1973, NCPC provides personal assistance services (PAS) to employees who have targeted disabilities, unless to do so would cause undue hardship. PAS is defined as "assistance with performing activities of daily living that an individual would typically perform if he or she did not have a disability, and that is not otherwise required as a reasonable accommodation, including, for example, assistance with removing and putting on clothing, eating, and using the restroom."

NCPC provides PAS when:

- the individual is an employee of the agency;
- the individual has a targeted disability;
- the individual requires the services because of his or her targeted disability;
- the individual will be able to perform the essential functions of the job, without posing a direct threat to safety, once PAS and any required reasonable accommodations have been provided; and
- providing PAS will not impose undue hardship on the agency.

The intent in providing PAS is not to help individuals with disabilities perform their specific knowledge-based job functions, such as reviewing documents or responding to requests for information. Instead, PAS allows individual to perform activities of daily living that an individual would typically perform if he or she did not have a disability. PAS differs from services that help an individual to perform job-related tasks, such as sign language interpreters who enable individuals who are deaf to communicate with coworkers, and readers who enable individuals who are blind or have learning disabilities to read printed text. Those services are required as reasonable accommodations, if the individual needs them because of a disability and providing them does not impose undue hardship on the agency. Reference the *NCPC Procedures for Providing Reasonable Accommodations* for detailed procedures on requesting a reasonable accommodation. The procedures are located on the NCPC Intranet page.

IV. Definitions

- a. Targeted Disability – Targeted disabilities are a subset of conditions that would be considered disabilities under the Rehabilitation Act. The federal government has recognized that qualified individuals with certain disabilities face significant barriers to

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employment, which for some people may include lack of access to PAS in the workplace, that are above and beyond the barriers faced by people with the broader range of disabilities. The federal government calls these “targeted disabilities.”

- b. Undue Hardship - If a specific accommodation causes undue hardship, the NCPC does not have to provide that particular accommodation. Determination of undue hardship is always made on a case-by-case basis, considering factors that include the nature and cost of the reasonable accommodation and the impact of the reasonable accommodation on the NCPC’s operations.

V. Responsibilities

a. Disability Program Manager (DPM) –

1. Provides direction and guidance on the implementation of these procedures;
2. Develops appropriate training programs to ensure NCPC employees, supervisors, and officials are aware of, and have the skills and information necessary to comply with these procedures; and to assure that employees who need and qualify for PAS are successfully accommodated;
3. Participating and facilitating, as appropriate, in meetings with relevant agency personnel regarding PAS requests;
4. Reviewing all proposed decisions pertaining to PAS requests, including decisions of denial or to provide alternative accommodation.
5. Reviewing all determinations to ensure that all accommodations have been exhausted prior to reassignment, and to ensure compliance with these procedures; and
6. Maintaining summary statistics on PAS accommodations, as required by the EEOC.
7. Even in the absence of receiving a written request, the DPA should acknowledge and begin to act on an oral request for PAS within three (3) business days.

b. Agency Head -

1. Ensures agency supervisors and other relevant officials are informed about how to address requests in the manner set forth in these procedures;
2. Considers all resources that are available inside and outside of the agency to provide PAS to eligible employees;
3. Designates a person within the agency who shall serve as a reviewing official for purposes of participating in the informal dispute resolution process when requests for PAS are denied and appealed.

c. EEO Manager –

1. Consults with and advises supervisors and other appropriate officials throughout the PAS request process to help determine whether requests for PAS should be granted or denied;

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2. Facilitates the interactive process by bringing together supervisor, employee, implementing office(s) and other appropriate parties;
3. Coordinates with the agency Human Resource Specialist and the Disability Program Manager, and other appropriate office(s) when PAS requests are complicated by performance, conduct, or leave issues, or a worker's compensation claim; or when an accommodation involves reallocation of tasks, revision of standards, or other adjustment ordinarily accomplished with the assistance of human resource staff;
4. Provides statistical information on the number, nature, and disposition of PAS requests as requested; and
5. Maintains records submitted by employees in connection with PAS requests, in a manner that complies with the confidentiality requirements of the Rehabilitation Act and the Privacy Act of 1974, 5 U.S.C. § 552a, as amended.

d. Supervisor -

The immediate supervisor of an employee who requests PAS shall be responsible for:

1. Participating in the interactive process when the employee requests a PAS;
2. Reporting all requests for PAS to the agency's DPA within two business days of receipt;
3. Consulting with the agency's EEO PM and other appropriate officials in determining:
 - i. Whether the requestor is a qualified individual with a targeted disability;
 - ii. Whether to grant, deny, or provide an alternative to the requested accommodation; and
 - iii. Whether, in the case of a denial, the requested accommodation poses an undue hardship.
4. Rendering final decisions on accommodation requests; and
5. Documenting requests for accommodation and the action taken.

e. Human Resource Specialist –

1. Serves as expert resource to the agency EEO PM when PAS requests are complicated by performance, conduct, or leave issues or a worker's compensation claim, or when an accommodation involves reallocation of tasks, revision of standards, or other adjustment ordinarily accomplished with the assistance of human resources staff.

f. Employees and Applicants with Disabilities

An employee or applicant with a targeted disability who desires a Personal Assistance Service (PAS) is responsible for:

1. Requesting PAS (see section VII. A., below);
2. Participating in good faith with NCPC officials in an interactive process to determine whether PAS is appropriate; and

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VI. Coverage

This procedure applies to employees at the NCPC.

VII. Personal Assistance Services Procedures

A. Requesting Personal Assistance Services

Requesting PAS is similar to requesting a reasonable accommodation. An individual may request PAS by informing their supervisor, the Human Resource Specialist, or the EEO Program Manager that he or she needs assistance with daily life activities because of a medical condition. The individual does not need to mention Section 501 or the EEOC's regulations explicitly, or use terms such as "PAS" or "affirmative action" to trigger the agency's obligation to consider the request. Employees are encouraged to use the NCPC Personal Assistance Request Form (Appendix A); however the form is not required.

B. Processing the Request

NCPC Disability Program Manager (DPM) oversees the PAS program. The DPM will process requests for PAS in a prompt and efficient manner in accordance with the time frames set forth in these procedures. If a request is given to a manager rather than directly to the DPM, that individual should forward the request immediately and must do so within two business days. See Paragraph D. in this section for information on how to contact the DPM. The Human Resources Specialist will serve as a backup for the DPM to process requests when the DPM is unavailable for any length of time (on vacation or extended leave). The DPM will issue a final decision in writing to the requestor.

The DPM will contact the employee within 10 business days after the request is made (even if the request is initially made to someone else) to begin discussing the PAS request. The DPM will ask the employee what types of PAS he or she needs using the same type of informal, interactive process used for reasonable accommodation.

Communication is a priority throughout the entire process, but particularly where the specific limitation, problem, or barrier is unclear. Both the requestor and the decision maker should work together to identify effective PAS.

Approval of Personal Assistance Services

If NCPC grants a request for PAS, the DPM will provide the "Review of Personal Assistance Services Request" form to the requestor, with a written explanation of the PAS provided, and discuss implementation of the PAS. If the request is approved but the PAS cannot be provided immediately, the DPM will inform the individual in writing of the projected time frame for providing the service(s).

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Denial of Personal Assistance Services

If NCPC denies a request for PAS, the DPM will provide the “Review of Personal Assistance Services Request” form to the requestor with a written explanation with the reason(s) for the denial to include why the PAS would result in an undue hardship or why it would be ineffective.

C. Selecting a PAS Provider

NCPC may use federal employees, independent contractors, or a combination of employees and contractors to perform personal assistance services. If NCPC is hiring a PAS provider who will be assigned to a single individual, and if that individual prefers a particular provider, then NCPC will give primary consideration to the employee’s choice to the extent permitted by law. However, it may not be possible to honor the individual’s preference in all cases.

An individual may request permission to bring his or her own PAS provider to work as a reasonable accommodation if the individual does not request that the agency assume the cost of providing services. However, if the individual wants the agency to assume the cost of providing the services, the agency may have reasons to choose a different provider.

D. Inquiries

Managers, employees or applicants wanting further information concerning these Procedures may contact the Disability Program Manager (DPM) via e-mail at disabilityprogrammanager@ncpc.gov. Applicants may contact the DPM at (202) 482-7200.

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Appendix A: Personal Assistance Request Form - see next page



PERSONAL ASSISTANCE SERVICES REQUEST FORM

Email Completed Form to EEO Program Manager at
DisabilityProgramManager@ncpc.gov

Version 1.0

PERSONAL ASSISTANCE SERVICES REQUEST FORM INFORMATION			
Information on Requestor			
Name		Email	
Title		Phone	
Division			
Occupational Series, Grade Level			
Request			
Date Submitted			
Briefly describe the nature and type of request for personal assistance services (if there is a preferred PAS provider, please include their information in this description)			
Signature of Requestor			
Signature		Date	

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Appendix B: Review of Personal Assistance Services Request - see next page

REVIEW OF PERSONAL ASSISTANCE SERVICES REQUEST			
Information on Requestor			
Name		Email	
Date of Request			
Personal Assistance Service(s) Requested			
DECISION (Check one and provide date)			
<input type="checkbox"/> Approved	Date: _____	Comment: _____	
<input type="checkbox"/> Denied	Date: _____	Comment: _____	
If request is denied, provide the reason(s) for Denial of Request:			
INSTRUCTION FOR RECONSIDERATION OF DECISION			
<p>If an individual wishes to request reconsideration of this decision, take the following steps:</p> <ul style="list-style-type: none"> • Ask the Disability Program Manager to reconsider denial. Additional information may be presented to support this request. • If the DPM was the individual's supervisor, the individual can ask a higher level manager in the chain of command to review the decision. • If the decision is not overturned, the individual may file an Equal Employment Opportunity (EEO) complaint. • For an EEO complaint pursuant to 29 CFR Part 1614, contact the EEO officer within 45 calendar days from the date of the decision. 			
Signature of Disability Program Manager			
Signature		Date	
Name			