



DEPARTMENT OF THE ARMY  
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
P.O. BOX 6898  
JBER, AK 99506-0898

CEPOA-DE

AUG - 1 2017

ALASKA DISTRICT MEMORANDUM OF INSTRUCTION

SUBJECT: Alaska District Memorandum of Instruction (MOI) for Processing Reasonable Accommodations

1. REFERENCES:

- a. Rehabilitation Act of 1973, 29 U.S.C. § 791
- b. Americans with Disabilities Act of 1990, 42 U.S.C. § 12101
- c. Executive Order 13164, 26 July 2000
- d. Rehabilitation Act, 29 C.F.R. § 1614.203
- e. Army Regulation 600-7, Non-discrimination on Basis of Handicap
- f. U.S. Army, Procedures for Providing Reasonable Accommodations for Individuals with Disabilities, 17 March 2009
- g. U.S. Army Corps of Engineers, Standard Operating Procedure for Reasonable Accommodations for Individuals with Disabilities, 16 May 2011

2. PURPOSE: This MOI establishes procedures and assigns responsibility for submitting and processing requests for reasonable accommodation (RA) within the U.S. Army Corps of Engineers, Alaska District (POA). The purpose of an RA is to better assist qualified individuals with disabilities to perform the essential functions of their jobs. A qualified individual must be able to perform essential job duties with or without the RA. Employees are responsible for requesting RAs, and should do so to their first-line supervisor. However, an RA request received by the EEO office, Workforce Management Office, or another supervisor is a valid request and must be processed. If any provision of this MOI conflicts with a collective bargaining agreement (CBA), the CBA will control for a bargaining unit employee.

This MOI does not affect a supervisor's authority to make a workplace adjustment (for example: ergonomic keyboards or computer wrist/hand rests) for individuals whose medical needs may not require or qualify for an RA.

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3. APPLICABILITY: This MOI applies to civilian employees, or applicants for employment with, POA. This MOI does not apply to active duty military personnel.

4. RESPONSIBILITIES:

a. The Commander:

(1) Establishes and enforces written procedures related to RA.

(2) Appoints the Disability Program Manager (DPM).

b. The DPM:

(1) Is the EEO Specialist, and serves as a member of the Reasonable Accommodation Committee (RAC). The DPM does not advocate on behalf of employees.

(2) Interacts with the deciding official on the RAC's behalf.

c. The Office of Counsel (OC):

(1) Provides legal assistance on all RA matters, and must review all denials or approvals of RA requests prior to execution.

(2) Serves as a member of the RAC.

d. The RAC:

(1) Is responsible for reviewing RA requests, and providing a recommendation to the deciding official. The RAC will determine whether medical documentation is required. The RAC, through the DPM, is responsible for requesting medical documentation and ensuring that it remains safeguarded. Before requesting documentation, the RAC will ensure the employee signs ENG Form 6042-5, Authorization to Release Medical Records and Information.

(2) Shall consist of the following individuals, or their designee: the Deputy District Commander, the DPM, the District Counsel, and the Chief of POA's Workforce Management Office. The Deputy District Commander may appoint additional subject matter experts to the RAC as necessary.

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e. Supervisors/Selecting Officials:

(1) Serve as deciding officials, and are responsible for approving or disapproving RA requests. A first-line supervisor may approve or disapprove any request, but first must receive an RAC recommendation.

(2) Must recognize an RA request. An employee need not use the phrase "reasonable accommodation;" requests may be oral or written. Deciding officials will request that employees submit a written request using ENG Form 6042, Request for RA. Deciding officials will execute ENG Form 6042-3, Request for RA Confirmation, and will immediately, no later than 24 hours, provide a signed copy to the DPM and the employee.

(3) Must ensure decisions are rendered within 30 business days of receipt. The processing time is tolled when obtaining employee documentation. Deciding officials will complete ENG Form 6042-2, Reasonable Accommodation Checklist.

(4) Must have a conversation with the employee about the RA request, which is known as the interactive process. They must safeguard all RA information received.

(5) Must provide a written explanation to the RAC for processing delays, and must notify the employee of the delay and anticipated completion date in writing.

(6) For job applicants, the selecting official will execute these functions.

f. Requesters:

(1) Will request RAs from the lowest-level supervisor, or the selecting official, and actively engage in all conversations with the supervisor.

(2) Must provide all documentation, including medical documentation, required to process the RA request. Failure to provide necessary documentation may result in request denial. To avoid impacting processing, employees should use ENG Form 6042-1, Medical Information Sheet. All documentation collected and maintained by POA associated with an RA request is Privacy Act data (5 U.S.C. § 552a).

5. PROCESSING RA REQUESTS:

a. Requests are processed on a case-by-case basis and outcomes are determined by the facts of each case.

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b. Upon receipt of an RA request, the deciding official and employee will immediately have a conversation about the request.

c. The purpose of this conversation is to evaluate the job at issue and the specific limitations associated with the disability to determine what, if any, accommodation is necessary. At minimum, the following must occur:

(1) Explanation of the process to the employee, including that the deciding official will provide a written decision to the employee within 30 business days;

(2) Clarification of the request, as necessary;

(3) Identification of essential job functions;

(4) Identification of the job-related limitations and what, if any, accommodations could address the limitations;

(5) Identification and discussion of alternative accommodations; and

(6) Consideration of the employee's requested accommodation.

The final RA need not be specifically what the employee requested. Deciding officials have the right to identify reasonable and appropriate alternatives.

d. Once completed, the RA request will be forwarded to the RAC for consideration. The RAC will then make a recommendation.

e. The deciding official will provide a written decision to the requester. Approvals must specify the accommodation granted. If approved, POA must implement the accommodation as soon as possible under the circumstances. Reassignment is the accommodation of last resort and must comply with the criteria in Chapter 8 of USACE's SOP. All denials must use ENG Form 6042-4, Denial of Accommodation Request and articulate the specific reason(s) for the denial. All matters related to RA must be kept confidential.

f. Employees may request reconsideration of all RA requests through command channels, file an EEO complaint, file an MSPB appeal (if applicable), or file a grievance. See the USACE SOP for specific information.

6. Effective immediately, POA will promptly process RA requests in accordance with this MOI. As an alternative to submitting a formal request, POA employees have the option of using the Department of Defense's Computer/Electric Accommodations

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Program to request assistive technology: <http://www.cap.mil/>. This resource is also available for activity duty military personnel.

7. The Engineering Forms associated with filing an RA request are enclosed. Direct any RA questions to the Equal Employment Opportunity Specialist or the Office of Counsel.



MICHAEL S. BROOKS  
COL, EN  
Commanding

Enclosures:

1. ENG Form 6042, Request for Reasonable Accommodation
2. ENG Form 6042-1, Medical Information Sheet
3. ENG Form 6042-2, Reasonable Accommodation Checklist
4. ENG Form 6042-3, Request for RA Confirmation
5. ENG Form 6042-4, Denial of Accommodation Request
6. ENG Form 6042-5, Authorization to Release Medical Records and Information