



U.S. ELECTION ASSISTANCE COMMISSION
633rd 3rd Street, NW, Suite 200
Washington, DC 20001

Personal Assistance Services Procedures

Employees

How to request Personal Assistance Services (PAS)

Personal Assistance Services are 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; examples include, assistance with removing and putting on clothing, eating, using the restroom, and pushing a wheelchair or assistance with getting into or out of a vehicle at the worksite." These examples are non-exhaustive and serve to identify self-care type activities for which a PAS may be employed.

- PAS do not include, performing medical procedures (e.g., administering shots) or medical monitoring (e.g., monitoring blood pressure).
- PAS do not help individuals with disabilities perform their specific job functions, such as reviewing documents or answering calls; and differ from services that assist an individual to perform job-related tasks, such as sign language interpreters. Employees or applicants needing medically based reasonable accommodations (RA) to assist them in the workplace, or to apply for employment, may request reasonable accommodation through the Agency's RA procedures.

Qualifying factors to receive PAS

- The individual is an employee of the agency;
- The individual has a targeted disability; a list of targeted disabilities is located on OPM form 256.
- 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 are provided; and
- Providing PAS will not impose undue hardship on the agency.



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Making a Request for PAS

As with reasonable accommodation, an employee may request PAS by informing a supervisor, the Director of Human Resources, or other appropriate management official 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 use specific terms such as "PAS", "affirmative action", or "Reasonable Accommodation" to trigger the agency's obligation to consider the request. Typically, the targeted disability and need for PAS will be obvious, such as with missing limbs or paralysis, and medical support may not be required. Where there is a requirement to clarify qualification of need and nature of PAS assistance, the reasonable accommodation interactive process should be engaged and a request for medically supporting information may be requested. For more information, contact the Office of Human Resources.

EAC PAS Delivery Options

- The agency may use an existing employee who already performs similar service as part of his or her regular job or hire federal employees, independent contractors, or a combination of employees and contractors to perform personal assistance services.
- If hiring PAS, and it is deemed reasonable, the agency may give an employee's PAS preference primary consideration to the extent permitted by law, provided PAS qualifications are met; and
- An employee who already uses a PAS provider in their personal non-work environment may request permission to bring his or her own PAS provider to work as a reasonable accommodation, if the employee does not request that the agency assume the cost of providing the services.

Medical Documentation

- In certain instances, when the nature of a disability or the need for a reasonable accommodation is not clear, your supervisor or the Director of Human Resources Services and Program Support Division may request you to provide medical information about your functional impairment and your need for a reasonable accommodation in order to evaluate your request. The medical information may be reviewed by a medical expert selected by the EAC. If the medical information does not clearly support the requested accommodation, your supervisor or the Director of Human Resources Services and Program Support Division may request relevant supplemental medical information. You have a responsibility to provide appropriate medical information when requested. Failure to provide



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appropriate medical information can result in the denial of your reasonable accommodation request.

- If medical information is requested, your supervisor or the Director of Human Resources Services and Program Support Division will respond to your reasonable accommodation request within three business days after the initial or supplemental medical information is received, whichever is later. If your reasonable accommodation request is approved, the accommodation will be provided within ten business days after the initial or supplemental medical information is received, whichever is later, unless extenuating circumstances described above apply.
- Medical information obtained in connection with a reasonable accommodation request will be placed in a file separate from your personnel file or job application, and will be kept confidential in accordance with the Privacy Act and 36 C.F.R. 1121. Medical information will be disclosed only to agency officials who participate in making decisions on reasonable accommodation, EAC's Director of Human Resources Services and Program Support Division and the General Counsel.

Reassignments

- Reassignment is a type of reasonable accommodation available to an employee who can no longer perform the essential functions of his or her current position, with or without reasonable accommodation. If there is a vacant position that you are qualified for, and you can perform the essential functions of the vacant position, with or without reasonable accommodation, you will be reassigned to the vacant position as a reasonable accommodation without having to compete for the position.

Denial of Reasonable Accommodation

- If your reasonable accommodation request is denied, you will receive a written notice explaining the specific reasons for the denial and your appeal rights. (See Section XI of EAC's Reasonable Accommodation.
- If you wish to initiate an EEO complaint, the "Denial of Reasonable Accommodation Request Form" provides information for electing to pursue reconsideration through EAC's Alternative Dispute Resolution (ADR) Program. If you choose to participate in ADR, the processing period shall not exceed ninety (90) days from the date of the initial contact with EAC's EEOO, Robin Sargent, (202) 360-2144 or rsargent@eac.gov.



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Supervisors and Director of Human Resources Services and Program Support Division

- Supervisors and the Director of Human Resources Services and Program Support Division have the authority to approve reasonable accommodation requests, unless the accommodation requires the purchase of equipment or services costing more than \$1000, reconfiguring workspaces, or reassignment, or the accommodation cannot be provided by current staff. When you do not have authority to approve an accommodation, you will forward the request along with any recommendation to the Executive Director.
- You will discuss reasonable accommodation requests with the employee or applicant. Where the need for an accommodation is unclear, you will ask the employee or applicant for additional information. Where the specific accommodation needed is unclear, you may call on expert resources to recommend possible accommodations. Where different possible accommodations are being considered, you will discuss the effectiveness of the different accommodations with the employee or applicant.
- You will respond to reasonable accommodation requests as soon as possible, but no later than three business days after the request is made, unless medical information is required. Medical information is further discussed below.
- If you approve a reasonable accommodation request, the accommodation will be provided as soon as possible, but no later than ten business days after the request is made, unless expert resources need to be called on to recommend possible accommodations, equipment needs to be purchased, the workspace needs to be reconfigured, new staff needs to be hired, or other extenuating circumstances apply. If additional time is required to provide an accommodation, you will notify the employee or applicant of the expected date that the accommodation will be provided, and will discuss with the employee or applicant whether there are any temporary measures that can assist him or her.

Medical Documentation

- If the nature of a disability or the need for a reasonable accommodation is not clear, you may request the employee or applicant to provide medical information about his or her functional impairment and need for a reasonable accommodation in order to evaluate the request. You may request a medical expert selected by the Access Board to review the



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information. If the medical information does not clearly support the requested accommodation, you may request the employee or applicant to provide relevant supplemental medical information.

- If medical information is requested, you will respond to a reasonable accommodation request within three business days after the initial or supplemental medical information is received, whichever is later. If you approve a reasonable accommodation request, the accommodation will be provided within five business days after the initial or supplemental medical information is received, whichever is later, unless extenuating circumstances described above apply.
- You will place medical information obtained in connection with a reasonable accommodation request in a file separate from the employee's personnel file or applicant's job application, and will keep the information confidential in accordance with the Privacy Act and 36 C.F.R. 1121.
- You will disclose medical information only to:
 - agency officials who participate in making decisions on reasonable accommodation requests;
 - supervisors and managers who need to know about necessary restrictions on the work or duties of the employee or about the necessary accommodations;
 - first aid and safety personnel if the disability might require emergency treatment;
 - government officials when necessary to investigate the agency's compliance with the Rehabilitation Act;
 - workmen's compensation offices or insurance carriers where permitted by 29 C.F.R. §1630.14(b) and §1630.16(f); and
 - agency officials to report on the agency's performance in handling reasonable accommodation requests. When medical information is disclosed to any of these officials, you will inform them about the confidentiality requirements that attach to the information.

Reassignments

- Reassignment is a type of reasonable accommodation available to an employee who can no longer perform the essential functions of his or her current position, with or without reasonable accommodation. If there is a vacant position that the employee is qualified for, and the employee can



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perform the essential functions of the vacant position, with or without reasonable accommodation, the employee will be reassigned to the vacant position as a reasonable accommodation without having to compete for the position. If an employee needs reassignment as a reasonable accommodation and you have the authority to select individuals for the vacant position, you will reassign the employee to the vacant position. If you do not have authority to select individuals for the vacant position, you will notify the Executive Director that the employee needs reassignment, and the Executive Director will reassign the employee.

Denial of Reasonable Accommodation

- If you decide to deny a reasonable accommodation request, you will review the specific reasons with the Executive Director. If the Executive Director agrees with the action, you will give the employee or applicant a written notice explaining the specific reasons for the denial and his or her appeal rights.

Recordkeeping

- The Director of Human Resources Services and Program Support Division will keep a record of all reasonable accommodation requests received, including oral requests. The record will include the date the request was made, the position, the type of accommodation requested, the action taken on the request, the identity of the deciding official, if denied, the basis of the denial, the number of days taken to process the request, and the date the accommodation was provided. Records for an individual employee will be maintained for the duration of the individual's employment. Records tracking agency performance will be kept for three years.

Dissemination

- These procedures will be made available on the U.S. Election Assistance internet site, and copies will be provided in alternative formats upon request.