



ILLINOIS NATIONAL GUARD INSTRUCTION

NGIL-JDS-EO
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ILNGI 791
01 November 2024

ILLINOIS NATIONAL GUARD REASONABLE ACCOMMODATIONS

References: See Enclosure D

1. Purpose. In order to meet the requirements of Reference (h), this manual establishes procedural guidance for the Illinois National Guard (ILNG), referred to as “the Agency” Reasonable Accommodation process in accordance with Reference (a) through (j).
2. Cancellation. None.
3. Applicability. This instruction applies to the processing of reasonable accommodation requests, to include Personal Assistance Services (PAS), arising from federal civilian employment and applicants for employment, who are managed under the ILNG Adjutant General under Section 709(d) of Reference (a) and Section 10508 of Reference (b), as enacted in Reference (c). This includes National Guard (Title 5) employees, Title 32 Dual Status Employees, National Guard (Title 5) and Title 32 applicants, and applicants with disabilities applying for employment with the ILNG. Title 32 Dual Status Employees may make reasonable accommodation request, however they must meet all applicable requirements for continued military service. However, when a Title 32 Dual Status employee loses their military membership they are subject to loss of their technician job and are not entitled to continued employment as a technician.
 - a. This instruction does not apply to State Employees working for the State of Illinois under the authority of the Adjutant General.
 - b. This instruction does not apply to National Guard (NG) Service members serving in a Title 10 status, the National Guard Bureau (NGB), the Army National Guard (ARNG), Air National Guard (ANG) Readiness Centers, or all NG field-operating locations, and Active

Guard Reserve (AGR) personnel.

4. Background. The Rehabilitation Act of 1973 (29 U.S.C § 701), as amended, established employment protection for individuals with disabilities. The Act requires employers to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, except when such accommodation would cause undue hardship.

a. On July 26, 2000, President Clinton signed Executive Order (EO) 13164 requiring Federal agencies to establish effective written procedures for processing requests for reasonable accommodation.

b. On January 3, 2017, the Equal Employment Opportunity Commission (EEOC) issued updated regulations for Section 501 of the Rehabilitation Act of 1973. Section 501 prohibits federal agencies from discriminating against job applicants and employees based on disability and requires agencies to engage in affirmative action for individuals with disabilities. One of the provisions of the updated Section 501 regulations requires federal agencies to provide PAS to certain employees with disabilities.

c. On April 19, 2024, the Equal Employment Opportunity Commission published final guidance on reasonable accommodation in the context of the Pregnant Workers Fairness Act (PWFA). The guidance was effective June 18, 2024.

5. Policy. The ILNG is committed to providing reasonable accommodation(s) to employees and applicants for employment in order to assure individuals with disabilities have full access to equal employment opportunity. The ILNG shall provide reasonable accommodation for the known physical or mental limitations of qualified employees and applicants with disabilities, unless the Agency can demonstrate a particular accommodation would impose an undue hardship on the operation of its programs. It is the ILNG policy that no employee or applicant will be retaliated or reprisal against for requesting a reasonable accommodation.

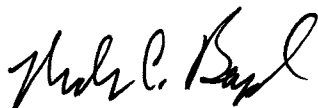
6. Guidance. The ILNG will utilize the Interactive Process to respond to reasonable accommodation (to include PAS) requests. This cooperative practice allows a streamlined approach to ensure effective management of providing accommodations. Supervisors and employees with disabilities are encouraged to participate the Interactive Process in good faith. Stages of this process are:

- a. Recognizing an Accommodation Request;
- b. Gathering Information;
- c. Exploring Accommodation Options;
- d. Choosing accommodation;
- e. Implementing the Accommodation;
- f. Monitoring the Accommodation.

7. Summary of Changes. None.

8. Releasability. This instruction is approved for public release; distribution is unlimited. Copies are available through the Illinois National Guard website: <https://www.il.ngb.army.mil>.

9. Effective Date. This instruction is effective upon publication and must be reissued, cancelled, or certified as current every five years. The proponent of this instruction is the Illinois National Guard Equal Opportunity Office. Users are invited to send comments and suggested improvement to the Department of the Army and the Air National Guard of Illinois, Adjutant General of Illinois, ATTN: State Equal Employment Manager, 1301 N. MacArthur Blvd, Springfield, IL 62702.



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Major General, ILARNG
The Adjutant General

Enclosures:

- A – Reasonable Accommodation Process
- B – Personal Assistance Services (PAS)
- C – Reasonable Accommodation Request Form
- D – References
- E – Reasonable Accommodation Resources
- F – Reasonable Accommodation Acronyms
- G – Reasonable Accommodation Definitions

ENCLOSURE A
REASONABLE ACCOMMODATION PROCESS

1. Overview. Reasonable accommodations can be defined as any change in the work environment or in the way things are usually done resulting in equal employment opportunity for an individual with a disability. Reasonable accommodations can be provided to job applicants and employees to enable them to perform essential job functions. Reasonable accommodations are also provided to employees to ensure equal access to benefits and privileges of employment.

a. Reasonable accommodations are available to qualified applicants and employees with disabilities. Reasonable accommodations must be provided to qualified employees regardless of whether they work part-time or full-time, or are considered "probationary." Generally, the individual with a disability must inform the employer that an accommodation is needed, unless the disability is obvious (i.e. an employee or applicant who is blind).

b. Reasonable accommodations can include (but not limited to):

- (1) Making existing facilities accessible;
- (2) Job restructuring;
- (3) Part-time or modified work schedules;
- (4) Acquiring or modifying equipment;
- (5) Changing tests, training materials, or policies;
- (6) Providing qualified readers or interpreters;
- (7) Reassignment to a vacant position;
- (8) Use of Service animal; and
- (9) Personal Assistance.

c. The ILNG will process requests for reasonable accommodation and provide reasonable accommodations where appropriate, in a prompt and efficient manner in accordance with the time frames set forth in this manual.

d. The ILNG elects to designate an agency-wide Disability Program Manager (DPM) within the State Equal Opportunity Office to oversee the reasonable accommodation program. All verbal and written requests for reasonable accommodation will be submitted to the manager or supervisor. The manager or supervisor must forward the request information within 5 calendar days to the DPM. If the request is submitted directly to the DPM, the DPM will provide a copy to the supervisor. When an employee makes a request for reasonable accommodation that involves performance of the job, the DPM will work with the employee's supervisor to ensure an appropriate accommodation is provided that meets the individual's disability-related needs and enables the individual to perform the essential functions of the

position.

e. As part of the reasonable accommodation interactive process, the DPM will obtain and process documentation supporting an accommodation request (such as medical documentation demonstrating the requester has a disability).

f. While the DPM will handle the process for reasonable accommodations; supervisors, managers, and Directors are recommender's and need to provide recommendations about specific requests. Therefore, all management personnel must be familiar with these Procedures and the Equal Employment Opportunity Commission's (EEOC) "Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the "Americans with Disabilities Act" (rev. Oct. 17, 2002), which contains significant information on the responsibilities of agency personnel involved in responding to a request for reasonable accommodation, as well as the rights and responsibilities of those requesting accommodation. (This document is available at <http://www.eeoc.gov/policy/docs/accommodation.html>). Applicants and employees may wish to consult this Guidance to get further information on the reasonable accommodation process.

2. Responsibilities.

a. The Adjutant General of Illinois (TAG) (and/or delegate) will ensure sufficient resources are available for reasonable accommodation program to ensure efficient and successful operation. TAG will ensure reasonable accommodations are provided to the known physical or mental limitations of qualified applicants and employees with handicaps unless the accommodation would impose an undue hardship on the operation of the agency's program or mission. TAG is the decision authority on appeals.

b. Human Resources (HR) Personnel will provide advice and guidance to supervisors, managers, and employees about HR policies and procedures related to reasonable accommodation, such as leave, telework, and performance management. The HR Office assists decision-makers in locating appropriate vacant positions for employees with disabilities for whom reassignment will be the most effective reasonable accommodation. HR addresses, along with selecting officials, if appropriate, reasonable accommodation requests related to recruitment actions. The HR Staffing Specialist responsible for the job vacancy must refer job applicants to the DPM for processing.

c. HRO - Will support HR staff training regarding the reasonable accommodation process and laws, directives and guidance regarding the reasonable accommodations and disability programs. HRO Director will serve as recommender for position description suitability on all reasonable accommodations.

d. Staff Judge Advocate (SJA) - Provides advice and guidance to supervisors, managers, and entities within the Agency on legal aspects of the accommodation process. SJA will provide a legal opinion on the legality of recommended disapprovals or recommended modifications.

e. State Equal Employment Manager (SEEM) - Provides policy guidance and consultation services to ILNG staff, supervisors, employees, and employment applicants. The SEEM must ensure all staff members in the ILNG are trained how to recognize and respond to reasonable accommodation requests in accordance with the requirements set forth in this instruction. In the absence of a DPM, the SEEM will fulfill the duties identified in (e). The SEEM will: develop and issue procedures for processing requests for and providing reasonable accommodation, consistent with governing laws, regulations, executive orders, EEOC directives, and ILNG policy. Ensure the confidentiality of medical information, including information about functional limitations and reasonable accommodation needs, obtained in connection with a request for reasonable accommodation; and develop systems to track and report on the provision of reasonable accommodation. Requesters may contact the SEEM by mail to: 1301 N. MacArthur Blvd, Springfield, IL 62702 ATTN: Equal Opportunity Office/SEEM; or phone at 217-761-3670/3518.

f. DPM (and alternate DPM) - Provides advice and assistance to supervisors, managers, and others on disability employment matters; maintain and submit completed reports in a timely manner; facilitate management training in consultation with the SEEM, as appropriate; and ensure that reasonable accommodation request information is entered into the ILNG reasonable accommodation request tracking system.

(1) The DPM is responsible for processing requests for reasonable accommodation. The Joint Staff will designate another staff member to act as a back-up for the DPM to process requests when the DPM is unavailable for any length of time. The alternate DPM will be responsible for notifying requesters of reasonable accommodation final decisions.

(2) While the DPM has responsibility for processing requests for reasonable accommodation, the DPM will work closely with an employee's supervisor in responding to the request, particularly those involving job performance. The DPM will need to consult with an employee's supervisor and/or office director to gather relevant information necessary to respond to a request and to assess whether a particular accommodation will be

effective. No reasonable accommodation involving performance of the job will be provided without first informing an employee's supervisor or Deciding Official.

(3) When working a reasonable accommodation request made by a Title 32 Dual Status employee, the DPM will consult with the respective military unit/wing and G1/A1 to ensure the request does not adversely affect their military status. Title 32 Dual Status Employees may make a reasonable accommodation request, however they must also continue to meet all applicable requirements for continued military service. This consultation process between the DPM and the respective military unit/wing will not interrupt a reasonable accommodation request or be the sole basis for denial of said request. However, when a Title 32 Dual Status employee loses their military membership they may lose their full-time technician position IAW 32 U.S.C. 709

(4) The DPM will ensure the ILNG post on the public website and makes available to all employees and applicants in written and accessible formats, reasonable accommodation procedure. The DPM will be responsible for ensuring copies of the ILNG RA instruction and its applicable procedures are readily available to job applicants and employees. This will be accomplished by maintaining copies in the EEO Office, personnel offices; the ILNG intranet and internet; and employee handbooks. This instruction must be accessible to individual's particular need, through alternative formats.

(5) The DPM will be responsible for tracking the status of each request for reasonable accommodation and informing requesters of final decision. Requesters may contact the State Equal Opportunity Office for an update and final decision of their request

(6) The DPM will also be consulted prior to all denials of accommodations.

g. Deciding Official - The Chief of the Joint Staff is delegated as the Deciding Official on all Reasonable Accommodations. TAG is the Deciding Official on Appeals.

h. Supervisors – All supervisors will participate in the interactive process, providing information on the essential functions of the position and discussing potential effective reasonable accommodations.

i. Job applicants- Applicants can initiate a request for accommodation orally or in writing at any time. Applicants seeking accommodation will be referred to the DPM as soon as possible to ensure expedited processing of any request for accommodation. The DPM will assist the applicant with request of assistance to apply, interview and/or test for a job. The DPM, HR professionals and other Agency representative will not ask applicants their disability status and/or severity of their disability as this action may exceed the scope of a disability-related injury.

j. Employee (Requester) - An employee with a disability must notify the Agency of the accommodation request. Employees should follow up oral requests in writing for record keeping purposes. Employees should participate in the interactive process in order to identify functional limitations at work and potential effective reasonable accommodations. A requester should identify and discuss specific accommodation(s) and/or past effective accommodations with their supervisors, the DPM or other management officials within the interactive process. However requesters need not have a particular accommodation in mind before making a request 29 C.F.R. § 1614.203 (d)(3)(i)(D). A requester may be requested by the DPM to demonstrate through medical or other documentation there is a disability and how that disability affects essential job functions for the purpose of reasonable accommodations decision making. Not all requests will require medical documentation, nor will all requesters be required to provide medical information for accommodation processing.

3. Interactive Process. An applicant or employee may request a reasonable accommodation at any time, orally or in writing. An individual can request a reasonable accommodation from the supervisor/manager or DPM. After a request for accommodation has been submitted, the next step is for the requestor, supervisor and DPM to begin the interactive process with supervisors to determine what, if any, accommodation should be provided. The individual requesting the accommodation and the supervisor must communicate about the request, the precise nature of the need that is generating the request, and alternative accommodations that may be effective in meeting an individual's needs. The Agency expects all personnel will give a high priority to responding quickly to a request for reasonable accommodation. Any delays by the Agency personnel may result in the agency's failing to meet the 30 day time frame and a violation of the Rehabilitation Act.

a. Accommodation Request - The interactive process starts with an accommodation request from an employee with a disability. An individual may use "plain English" and need not mention the Rehabilitation Act or use

the phrase "reasonable accommodation" when requesting an accommodation. Therefore, any time an employee indicates that he/she is having a problem and the problem is related to a medical condition, the employer should consider whether the employee is making a request for accommodation under the Rehabilitation Act.

(1) An individual with a disability may request a reasonable accommodation whenever he/she chooses, even if he/she has not previously disclosed the existence of a disability. The request does not mean the employer is required to provide the change.

(2) The individual's request must be considered if it is made to his/her direct supervisor; another supervisor or manager in his/her immediate chain of command; the EEO office; any other office designated to oversee the reasonable accommodation process; any agency employee with whom the applicant has contact in connection with the application process; or any other individual designated by the Agency.

(3) A family member, friend, health professional, or other representative may request a reasonable accommodation on behalf of an employee or applicant with a disability. The request shall be made to one of the same persons to whom the employee or applicant would make the request. To the extent possible, the supervisor may contact the individual with a disability to confirm he/she in fact wants a reasonable accommodation. The individual may refuse to accept an accommodation not needed

(4) Processing of the request will begin as soon as it is made, whether or not the confirmation has been provided. Written confirmation is included in this manual and can be achieved through the completion of the "ILNG Reasonable Accommodation Request Form" provided as Appendix C (1). Confirmations can be made by mail to: 1301 N. MacArthur Blvd, Springfield, IL 62707 ATTN: State Equal Employment Office. This form can be completed by the DPM as necessary. Not all employees will be required to complete the "ILNG Reasonable Accommodation Request Form" to receive a requested accommodation due to the need for expedited processing and other extenuating circumstances. If the form is not utilized, the DPM will need to contact the requester to ensure appropriate tracking data is collected per 29 C.F.R. § 1614.203 (d)(8)(vi)(A)-(G).

(5) The DPM will contact the applicant or employee within 5 calendar days after the request is made (even if the request is initially made to someone else) to begin discussing the accommodation request and complete the "ILNG Reasonable Accommodation Request Form" Appendix C (1) as deemed necessary by the DPM.

(6) The DPM will assign a Case Log Number to each accommodation request receive in the following format: ILNG-RA-XX (fiscal year)-XX (number)-department code. The DPM will provide the requester his/her tracking number in writing within 5 calendar days of receiving any request. The requester can track his/her request process through his/her tracking number by contacting the DPM.

b. Gathering Information. Once an accommodation request has been received, the DPM should gather whatever information is necessary to process the request. Documentation will be considered sufficient if: (1) describes the nature, severity, and duration of the employee's impairment, the activity or activities that the impairment limits, and the extent to which the impairment limits the employee's ability to perform the activity or activities; and, (2) substantiates why the requested reasonable accommodation is needed. The Agency may ask an individual requesting an accommodation to provide reasonable documentation that is sufficient to substantiate the individual has a disability and needs the accommodation requested. The "ILNG Accommodation Request Medical Inquiry Form" will only be used when the disability and/or need for an accommodation is not already known or obvious. In some cases, the employee's disability and need for accommodation are obvious and no additional information is needed. Alternatively, the DPM may need to get additional information to determine what would be an effective accommodation.

(1) Occasionally the individual may know that he/she is having difficulty, but may be uncertain about the exact cause or possible solution. For example, if an employee with a non-visible disability indicates she is having trouble completing her work tasks because of her disability, the Agency does not have enough information to provide effective accommodations. If a requestor's disability and/or need for accommodation are not obvious or already known, the Agency (specifically the DPM) is entitled to ask an employee requesting an accommodation to timely provide reasonable documentation that is sufficient to substantiate that the individual has an ADA disability and needs the accommodation requested. It is the responsibility of the employee to provide appropriate medical information requested by the Agency where the disability and/or need for accommodation are not obvious or already known. A written "ILNG Accommodation Request Medical Inquiry Form" form, is provided as Appendix C (2). Confirmations can be made by mail to Confirmations can be made by mail to: 1301 N. MacArthur Blvd, Springfield, IL 62707 ATTN: State Equal Employment Office. This form can be completed by the DPM as necessary.

(2) Only the DPM may determine whether medical information is

needed and, if so, may request such information from the requestor and/or the appropriate health professional. Medical information will be collected using the “ILNG Accommodation Request Medical Inquiry Form” Appendix C (2). If medical information is needed to process a request, the DPM does not have to request medical documentation from a health care provider; in many instances the requestor may be able to provide sufficient information to substantiate the existence of a “disability” and/or need for a reasonable accommodation. If an individual has already submitted medical documentation in connection with a previous request for accommodation, the individual should inform the DPM of this fact. The DPM will then determine whether additional medical information is needed to process the current request. The Agency’s processing timeframe will not be stop while the DPM is determining whether medical information is needed.

(3) In determining whether documentation is necessary to support a request for reasonable accommodation and whether an applicant or employee has a disability within the meaning of the Rehabilitation Act, the DPM will be guided by principles set forth in the Americans with Disabilities Act (ADA) Amendments Act of 2008. Specifically, the ADA Amendments Act directs that the definition of “disability” be construed broadly and that the determination of whether an individual has a “disability” generally should not require extensive analysis. Notwithstanding, the DPM may require medical information in order to design an appropriate and effective accommodation. Any request for medical information must be limited to information that is sufficient to substantiate the individual has a disability and needs the reasonable accommodation requested.

(4) If the initial information provided by the health professional or volunteered by the requestor is insufficient to enable the DPM to determine whether the individual has a “disability” and/or that an accommodation is needed, the DPM will explain what additional information is needed within 5 calendar days. The DPM then may ask the individual to sign a limited release and then either submit a list of questions to the individual’s health care professional or have the agency’s own physician contact the individual’s health care provider. The Agency has the right to have medical information received from the requester reviewed by a medical expert of the Agent’s choosing at the Agency’s expense 29 C.F.R. § 1614.203 (d)(3)(i)(K).

(5) Once the medical documentation is received, the DPM will evaluate the documentation, in consultation with the Deciding Official, HRO, SJA, SEEM, and/or any other official designated by the Agency, if necessary.

(6) If, after a reasonable period of time, there is still not sufficient

information to demonstrate that the individual has a disability and needs a reasonable accommodation, the Agency may request that the individual be examined by a physician chosen by the ILNG. Such an examination would be performed at the ILNG's expense.

(7) Failure by the individual to provide appropriate documentation or to cooperate in the Agency's efforts to obtain such documentation can result in a denial of the reasonable accommodation.

c. Accommodation Options. Once the DPM has identified the employee's limitation that is causing a hardship and has identified what the need is, then the employer is ready to explore accommodation options.

(1) Any employee who requests an accommodation should recommend an appropriate accommodation. If alternative accommodations are needed, the DPM can ask the employee's medical provider for ideas; in some cases medical professionals are able to suggest effective accommodations. In other cases, they may not be able to suggest alternatives, but may be able to say whether alternatives under consideration will help overcome the employee's limitations.

(2) The DPM will consult with other departments for best practices, outside resources such as Job Accommodation Network (JAN), vocational rehabilitation, rehabilitation engineers, and disability-related organizations.

d. Choosing an Accommodation. Once accommodation options are determined, the Deciding Official must choose what accommodation (if any) to implement. If there is more than one option, the Deciding Official should consider the preference of the employee.

(1) Deciding Officials can try accommodations and stop them if they do not work. When testing accommodations, the DPM will draft a written agreement with the employee that the accommodation is being tested, how long the test will be, interact with the employee to discuss the effectiveness, and what will happen if the accommodation does not work.

(2) There are specific considerations in the interactive process when an employee needs, or may need, a reassignment. Generally, reassignment will only be considered if no accommodations are available to enable the individual to perform the essential functions of his/her current position, or if the only effective accommodation would cause undue hardship.

i. In considering whether there are positions available for reassignment, the DPM will work with the HR staff and the employee requesting the reassignment to identify: (1) vacant positions within the

agency for which the employee may be qualified, with or without reasonable accommodation; and (2) positions which HR staff has reason to believe will become vacant within 60 days from the date the search is initiated and for which the employee may be qualified. The Agency will focus on positions, which are equivalent to the employee's current job in terms of pay, status, responsibility and other relevant factors. If there is no vacant equivalent position, the Agency will consider vacant lower level positions for which the individual is qualified.

ii. Reassignment may be made to a vacant position outside of the employee's commuting area if the employee is willing to relocate. As with other transfers not required by management, the Agency will not pay for the employee's relocation costs.

e. Implementing the Accommodation. Once an accommodation has been chosen, will be quickly implemented. If equipment is required, it needs to be installed and the employee needs to be trained in its use. If the accommodation involves a schedule change or policy modification, then the supervisor needs to know of the change to implement it. If the accommodation involves an outside service, the DPM ensures the service is provided. If the accommodation is a reassignment, then the employee may need time to relocate.

f. Monitoring the Accommodation. In some cases, an accommodation stops being effective such as the employee's limitations change; workplace equipment changes; the job changes; the workplace itself changes; or the accommodation becomes an undue hardship for the employer. Supervisors will periodically check the ongoing effectiveness of accommodations. If equipment is involved in the accommodation, someone may need to be assigned to perform maintenance or upgrades as needed. The most important way to monitor accommodations is communication between the supervisor, DPM and requester. Employees who receiving accommodations need to notify, either in verbally or in writing, their supervisor or DPM of any needed changes or problems with the accommodation.

(1) A supervisor or deciding official director who believes that an employee may no longer need a reasonable accommodation should contact the DPM in writing the facts and circumstances of removing/ending an accommodation. The DPM will decide if there is a reason to contact the employee to discuss whether he/she has a continuing need for reasonable accommodation.

4. Timeframe for Processing Requests and Providing Reasonable Accommodations. The Agency supports expedited processing of requests for reasonable accommodation that are needed sooner than the previously

identified timeframes. The time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information and the availability of equipment, if needed. The following are examples of situations where the disability is obvious or already known and an accommodation can be provided in less than the allotted time frame:

- An employee with insulin-dependent diabetes who sits in an open area asks for three breaks a day to test his/her blood sugar levels in private.
- An employee with clinical depression who takes medication which makes it hard for him/her to get up in time to get to the office at 8:00 a.m., requests that he/she be allowed to start work at 9:00 a.m. and still work an eight-and-a-half-hour day.
- A supervisor distributes a detailed agenda at the beginning of each staff meeting. An employee with a serious learning disability asks that the agenda be distributed ahead of time because his/her disability makes it difficult to read quickly and he/she needs more time to prepare.

5. Requests Not Involving Extenuating Circumstances. If the request does not require supporting medical information to be obtained, the request shall be processed and the accommodation, if granted, provided as soon as possible, but no more than 30 calendar days from the date the request was initially made. Since the Agency may need the full 30 days for the interactive process and collect all relevant information about possible accommodations, the DPM should not delay beginning this process. Failure to meet this time frame solely because an Agency delayed processing the request is not an extenuating circumstance.

a. If the request requires supporting medical information be obtained to determine whether the requesting individual has a disability and/or to identify the functional limitations, the following will apply:

(1) The Supervisor will submit request to the DPM as soon as possible after his/her receipt of the request for accommodation. The Agency recognizes the need for documentation may not become apparent until after the interactive process has begun.

b. Extenuating Circumstances. These are circumstances that cannot be anticipated, avoided, or that are beyond Agency's ability to control. When extenuating circumstances are present, the time for processing a request and providing the accommodation will be extended as necessary.

Extensions will be limited to circumstances where they are absolutely necessary and only for as long as required to deal with the extenuating circumstance. The following are examples of extenuating circumstances:

- The purchase of equipment will take longer than 30 calendar days because of requirements under the Federal Acquisition Regulation and EEOC Order 360.001, Acquisition Policies and Procedures.
- Equipment is on back-ordered, the vendor typically used by the Agency for goods or services has unexpectedly gone out of business, or the vendor cannot promptly supply the needed goods or services and another vendor is not immediately available.
- The employee with a disability needs to try working with the equipment on a trial basis to ensure it is effective before the Agency buys the equipment.
- New staff needs to be hired or contracted for, or an accommodation involves the removal of architectural barriers.

c. The DPM must notify the individual, in writing, of the reason for the delay, and the approximate date a decision, or provision of the reasonable accommodation, is expected. Any further developments or changes should also be communicated to the individual.

d. If there is a delay providing an accommodation that has been approved, the DPM must identify whether temporary measures can be taken to assist the employee. This could include providing the requested accommodation on a temporary basis or providing a less effective form of accommodation. In addition, the supervisor may provide measures that are not reasonable accommodations within the meaning of the law (e.g., temporary removal of an essential function) if:

- (1) They do not unreasonably interfere with the operations of the Agency;
- (2) The employee is clearly informed they are being provided only on a temporary, interim basis

Example: There may be a delay in receiving adaptive equipment for an employee with a vision impairment. During the delay, the supervisor might arrange for other employees to act as readers. This temporary measure may not be as effective as the adaptive equipment, but it will allow the employee to perform the job until the equipment arrives.

e. If a delay to the need to obtain or evaluate medical documentation

and the Agency has not yet determined if the individual is entitled to an accommodation, the Agency may also provide an accommodation on a temporary basis. In such a case, the DPM will notify the individual in writing that the accommodation is being provided on a temporary basis pending a decision on the accommodation request. Supervisors who approve such temporary measures are responsible for assuring they do not take the place of a permanent accommodation and that all necessary steps to secure the permanent accommodation are being taken.

6. Informal Dispute Resolution. An individual dissatisfied with the resolution of a reasonable accommodation request can appeal the Deciding Officials decision. An individual must request reconsideration within 14 calendar days of receiving the NGIL Form 256. A request for reconsideration will not extend the time limits for initiating administrative, statutory, or collective bargaining claims.

7. Relation of Procedures to Statutory and Collective Bargaining Claims. Executive Order 13164 does not create new rights for applicants or employees; nor does it limit an individual's rights under the Rehabilitation Act. The policies and requirements described in this instruction are in addition to statutory and collective bargaining protections for persons with disabilities and the remedies they provide for the denial of requests for reasonable accommodation. Requirements governing the initiation of statutory and collective bargaining claims, including time frames for filing such claims, remain unchanged.

a. The "ILNG Accommodation Deposition Form" (Appendix C (3)) provides information to individuals denied accommodation, or denied the accommodation of their choice, about their right to file an EEO complaint and their possible right to pursue Merit System Promotion Board (MSPB) and/or union grievance procedures.

b. An individual who chooses to pursue statutory or collective bargaining remedies for denial of reasonable accommodation must:

(1) For an EEO complaint: contact the ILNG Equal Opportunity Office within 45 days from the date of receipt of the written resolution notice or a verbal response to the request (whichever comes first). The 45-day filing period may not be applicable where there is an unreasonable delay in making a decision regarding an accommodation and the applicant or employee files a challenge before the decision is made.

(2) For a collective bargaining claim: If you are a bargaining unit employee and your collective bargaining agreement addresses accommodations, utilize the Collective Bargaining Agreement (CBA)

grievance procedures included in the CBAs.

(3) For adverse actions over which the MSPB has jurisdiction: initiate an appeal to the MSPB within 30 days of the appealable adverse action as defined in 5 C.F.R. § 1201.3.

8. Confidentiality and Disclosure. Under the Rehabilitation Act, medical information obtained for the reasonable accommodation process must be kept confidential. All medical information that the Agency for a request for reasonable accommodation will be kept in files separate from the individual's personnel file in a locked filing cabinet in a locked room. Digital copies will be kept in a restrictor folder on the EO share drive. Any ILNG employee who obtains or receives such information is strictly bound by these confidentiality requirements. This information will be accessible only by the DPM, trained EEO personnel or another designee approved by TAG.

a. The DPM may share certain information with an employee's supervisor or other agency official(s) as necessary to make appropriate determinations on a reasonable accommodation request. Under these circumstances, the DPM will inform the recipients about these confidentiality requirements. The information disclosed will be no more than is necessary to process the request. In certain situations, the DPM will not necessarily need to reveal the name of the requestor and/or the office in which the requestor works, or even the name of the disability.

b. In addition to disclosures of information needed to process a request for accommodation, other disclosures of medical information are permitted as follows:

(1) Supervisors and managers are entitled to whatever information is necessary to implement restrictions on the work or duties of the employee or to provide a reasonable accommodation;

(2) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or assistance in evacuation;

(3) Government officials may be given information necessary to investigate the agency's compliance with the Rehabilitation Act;

c. Whenever medical information is disclosed, the individual disclosing the information must inform the recipients of the information about the confidentiality requirements that attach to it.

9. Information Tracking and Reporting. In order for the Agency to ensure

compliance with these Procedures and the Rehabilitation Act, the DPM will complete the “Reasonable Accommodation Information Reporting” form (Appendix C (4)) within 7 calendar days of issuing the decision. The DPM will then submit the reporting form to the SEEM within 14 calendar days.

a. These forms will be the basis of an annual report to be issued to all employees that will provide a qualitative assessment of ILNG’s reasonable accommodation program, including any recommendations for improvement of ILNG’s reasonable accommodation policies and this manual. This annual report will not contain confidential information about specific requests for reasonable accommodations, such as the names of individuals that requested accommodations or the accommodations requested by specific individuals. Rather, this report will provide only information the following information: the specific reasonable accommodation; the job (occupation series, grade level, and agency component) sought by requesting applicant or held by the employee; whether the accommodation was needed to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of employment; whether the request was granted or denied; the identity of the deciding official; the basis of the denial; and the number of days taken to process the request IAW 29 C.F.R. § 1614.203 (d)(8)(vi)(A)-(G).

b. Annually, the SEEM will prepare a report, to be made available on its website. The report will contain the information indicated above, presented in the aggregate. The report format is provided in Appendix C (4). Reports shall be maintained for at least three years.

Reasonable Accommodation Process Map

RA Request Process – Title 5 and Title 32, Not In Military Status, and Applicant for Federal Employment

*For further information contact your servicing State Equal Employment Management Office
Mr. David M. Malenfant, State Equal Employment Manager, 217-761-3670
Ms. Jennifer Beery, EEO Specialist, 217-761-3518*

Employee/Applicant, or supervisor on behalf of Employee/Applicant submits a RA through the Supervisor or Selecting Official for Applicants, on an NGIL 256 (Part I-II), along with medical documentation for disability, to the ILNG SEEM Office. RA will be processed in less than 30 days. Modification or disapprovals can exceed that timeline, but the intent is to process a RA as quickly as possible.

SEEM Office routes through HRO-Director, and Director/Wing Commander for Recommendation to Deciding Official in Email Attachment.

Recommend Approval

SEEM Office routes approval recommendations to Deciding Official for approval. The SEEM will sign the Accommodation Disposition and return the approved RA to the Requester for acceptance. Approved and accepted reasonable accommodations are sent to HRO and the Supervisor for filing, and a copy is retained by the SEEM Office.

If the Deciding Official intends to approve with modification or disapprove the RA, it is routed to the Medical Branch and Staff Judge Advocate for recommendation before making the decision.

If the RA recommendations are for modification or disapproval, the Form 256 is routed to Medical Section Professional and State Judge Advocate for recommendation.

Medical Branch and State Judge Advocate recommend approval, modification, or disapproval and NGIL Form 256 is forwarded to the Deciding Official.

The Deciding Official reviews the NGIL Form 256 and either approves, approves with modification, or disapproves the RA.

If the Deciding Official approves with modification or disapproves the RA the NGIL Form 256 is sent to the SEEM Office for decision notification to the Requestor.

RA Approved

If the Deciding Official approves the RA, the SEEM will sign the NGIL Form 256 and return the approved RA to the Requester for acceptance. Approved and accepted reasonable accommodations sent to HRO and the Supervisor for filing and a copy is retained by the SEEM Office.

The SEEM Office Provides an MFR Outlining RA decision and Provides the Option to Accept the decision or appeal the decision to TAG, within 14 days.

TAG Makes the Final Decision as the Appeal Authority.

SEEM Office notifies the Requester of TAG's final decision and the right to file with the Equal Employment Opportunity Commission Within 45 days of TAG's Decision.

ENCLOSURE B
PERSONAL ASSISTANCE SERVICES (PAS) ON THE JOB

1. Background. On January 3, 2017, the EEOC or Commission amended the regulations implementing Section 501 of the Rehabilitation Act of 1973 (Section 501), that prohibits the federal government from discriminating in employment on the basis of disability and requires it to engage in affirmative action for people with disabilities.

a. As part of the ILNG's obligation to engage in affirmative action, for title 5 employees the Agency will provide PAS to individuals who need them because of certain disabilities. See 29 C.F.R. § 1614.203(d)(5). PAS are services that help individuals who, because of targeted disabilities (see OPM SF 256) require assistance to perform basic activities of daily living, like eating and using the restroom.

2. Overview. PAS is people or services that assist a person with a physical, sensory, mental, or cognitive disability with tasks the person would perform for him/herself if he/she did not have a disability. These may include assistance with personal care (such as eating, toileting), assisting with physical tasks, and cognitive tasks such as facilitating communication access with a reader. Each person with a disability has different needs and may require a unique combination of PAS.

a. PAS allows individuals to perform activities of daily living that an individual would typically perform if he/she did not have a disability. PAS does not help individuals with disabilities to perform their specific job functions, such as reviewing documents or answering questions that come through a call-in center. 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. An agency's obligation to provide reasonable accommodations is unaffected by the new regulations.

b. Only employees with targeted disabilities are entitled to PAS and only when providing PAS (along with any accommodations that are needed) enables the employee to perform the essential functions of his/her position. The Agency may provide PAS to other employees with disabilities if determined to be appropriate.

c. The ILNG is only required to provide PAS to an individual if the employee is:

- Is a Title 5 employee;
- Has a targeted disability;
- Requires the services because of his/her targeted disability;
- 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;
- Providing PAS will not impose undue hardship on the agency.

d. PAS is provided as a reasonable accommodation to enable an employee to perform the essential functions of a job. The employer's responsibility for providing reasonable accommodations begins when the employee reaches the job site and concludes when the work day ends.

e. The PAS provider will not preform, for example, medical procedures (e.g., administering shots) or medical monitoring (e.g., monitoring blood pressure). Skilled medical care, which involves personal use items/services, is not required to be furnished by an employer in the workplace per the Rehabilitation Act for Federal employees. PAS involves skilled care that is provided on a case-by-case basis through the reasonable accommodation process to qualified employees who would otherwise be prevented from performing the essential functions of their position.

f. The individual who provides PAS is referred to as a Personal Attendant (PA). A PA is not permitted to act as an official representative on behalf of the ILNG, its employees, or its contractors. Under no circumstance is the PA to perform any of the employee's essential or non-essential duties. The PA is only able to provide access to otherwise inaccessible aspects of the job or personal care. PA's may not operate an employee's computer even if the computer application is not accessible to the employee.

g. Co-workers are not permitted to provide PAS services.

(1) The DPM will utilize the Department of Defense (DoD) overall guidance, to include funding, to assist with coordination of the selection of family, federal employees or contract employees PAS providers.

h. When an employee with a disability makes a request for PAS as an accommodation in the workplace, the interactive process is initiated. If required, a disability determination must be made and a "Resolution" form completed. If a "Resolution" exists for a different type of PA service than what is being requested or there is a need to make a change to the existing service being provided, after the analysis has been completed, a "Resolution" addendum will be developed.

(1) The “Resolution” Addendum will include frequency, duration and type of tasks to be performed in the most general terms by the PA. Both the employee and the Deciding Official must sign the “Resolution” Addendum and return it to the DPM prior to the start of PAS. The DPM will coordinate the PAS and provide the employee and Decision Official with information instructing them on scheduling and canceling services as needed. The vendor/statement of work will include: employee’s name and contact information; work site location - name and address; start date; end date if applicable; general schedule of services; and general description of tasks to be provided, as agreed upon in the Resolution Addendum.

(2) In the event the PAS provider feels what is being asked by the employee with a disability falls outside of the ILNG written contract/agreement or the employee with a disability feels they are not receiving appropriate services, both parties must contact the DPM. The DPM will work with the employee, and vendor to resolve the situation. The Deciding Official will be involved in some situations to assist with a resolution. The employee must notify the DPM immediately if there are any changes needed to the services currently in place. The DPM will work with the employee and his/her Deciding Official to address these changes. Changes in the type, manner, or frequency of service cannot be made without consultation with and approval of the DPM.

(3) PAS providers are to notify the DPM of any absences as soon as possible, so make alternative arrangements can be made. Such arrangements include, contracting with different providers on a short-term basis, adjusting the schedules of shared PAS providers if the agency utilizes any, or allowing the individual to telework if the employee can work at home without the need for PAS provided by the agency.

a. If an individual's PAS provider would have access to classified information, the ILNG will find a provider who has, or who could get, the appropriate security clearance. The EEOC acknowledges that, under some circumstances, finding such a provider may be difficult and constitute an undue hardship. If an individual with a targeted disability is unable to perform job functions because a provider cannot be found, the agency may consider the individual to be unqualified for the position.

(4) If the requester is not satisfied with a PAS request denial, he/she may initiate the resolution process previously outlined in Section 6 titled “Resolution of the Reasonable Accommodation Request” and Section 7 titled “Informal Dispute Resolution”.

3. PAS on Travel (Service Provided Through Contract). When an Agency's assignment of work-related travel results in an employee's inability to rely on his/her usual source of PAS during both work and off-work hours, the ILNG is required to provide PAS at all times during work-related travel, as a reasonable accommodation (absent undue hardship). Additionally, even if an employee's

usual PAS provider is available during work-related travel, the ILNG is required to pay any additional costs related to providing PAS while on travel, such as transportation costs for the PAS provider, as a reasonable accommodation. The employee must provide the DPM with his/her travel itinerary including: departure date and time, departure city/airport, departure and arrival transportation details (flight number, times train number, etc.), return date and time, return city/airport, return departure & arrival transportation details (flight number, train number, etc.), hotel name and contact information, numbers of days/nights while on official business travel, description of reason for travel, i.e. conference or meeting name, and general description of needed PA services. Putting PAS in place for an employee on official government travel may require sufficient lead time prior to the date of travel. Therefore, employees are encouraged to notify the DPM as soon as possible to initiate the interactive process. The employee must notify the DPM immediately if there are any changes to the travel itinerary or the services requested. The DPM will work with the employee and service provider to address these changes.

a. The DPM will work with the employee and manager to determine whether a PA will be provided en-route with the employee, or whether the service will be provided at the destination only. The DPM can explore both of these options even if the employee indicates a preference. The DPM may request justification to determine if the request is reasonable. The EEOC suggests the Agency recognizes the delicate and intimate work of a PA and not automatically assume that any particular set-up will suffice.

b. When an employee with a disability makes a new request for PAS as an accommodation while on travel, the interactive process is initiated. If needed, a disability determination must be made, and a "Resolution" form completed. If a "Resolution" form exists for a different type of PA service then what is being asked for, then after the analysis has been completed, a "Resolution" Addendum will be developed. Subsequent requests by the same employee will be reviewed for any changes, and if there are any changes, the "Resolution" Addendum will be accordingly revised.

4. Information Tracking and Reporting. PAS accommodations will be tracked and maintained through previous outlined processes of this manual.

ILLINOIS NATIONAL GUARD REASONABLE ACCOMMODATION REQUEST FORM

SECTION IA

To Employee: The intent of this form is to facilitate the interactive process in a timely manner. The interactive process is designed to identify an accommodation that is reasonable and effective and does not impose an undue hardship on the employee and employer. Employees are not required to complete this form to request an accommodation, if applicable, supervisors can initiate a request for the employee. Completed forms are to be returned to the direct supervisor. If the supervisor is not available, contact the State Equal Employment Manager.

By mail to: State Equal Employment Management Office, 1301 N. MacArthur Blvd, Springfield, IL 62702.

By email: ng.il.ilanng.list.state-eo-and-eeo@army.mil

For assistance or questions: Contact the ILNG State Equal Employment Management Office at 217-761-3670/3518.

Any information collected on this document and the interactive process will be kept confidential in accordance with the Rehabilitation Act and applicable laws/regulations. Collected information will be kept in files separated from personnel files.

Requesting an accommodation and participating in the interactive process is a protected activity, and ILNG employees will not be retaliated against for engaging in the process. Any employee who feels they have experienced retaliation for participating in the above activities should contact the ILNG State Equal Employment Management (SEEM) Office at 217-761-3670/3518 within 45 days of the alleged retaliation.

Employee Name: _____
Email: _____
Contact Phone Number: _____

Supervisor Name: _____
Email: _____
Contact Phone Number: _____

Privacy Act Statement

The Rehabilitation Act of 1973, 29 U.S.C. section 791, and Executive Order 13164 authorize collection of this information. The primary use of this information is to consider, decide, and implement requests for reasonable accommodation (RA).

Additional disclosures of the information may be: To medical personnel to meet a bona fide medical emergency; to another Federal agency, a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency when the Government is a party to the judicial or administrative proceeding; to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; and to an authorized appeal grievance examiner, formal complaints examiner, administrative judge, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint or appeal filed by an employee.

ILLINOIS NATIONAL GUARD REASONABLE ACCOMMODATION REQUEST FORM

SECTION IB – FOR COMPLETION BY EMPLOYEE/APPLICANT. Please fully answer each item in this section of the form, in accordance with the attached instructions. Then provide the form, to your supervisor or selecting official to complete the supervisor portion. Return the completed form to the SEEM. The information you submit will be treated as confidential to the extent permitted by law. Please note that **your request cannot be processed unless the employee and supervisor portions are completed.**

I am a person with a disability who is requesting a Reasonable Accommodation and/or Personal Assistance Services under the Rehabilitation Act of 1973, as amended. PLEASE SELECT BELOW:

Reasonable Accommodation

Personal Assistance Service

1. Name:	2. Pay Plan – Series – Grade:	3. Job Title:	4. Directorate/Brigade/Wing:
----------	-------------------------------	---------------	------------------------------

5. Please annotate your ILNG Employment status below:

Title 5 Employee

Title 32 Employee

Title 5/32 Applicant

6. Do you have a medical condition that impairs or limits your ability to perform assigned job duties?

YES

NO

7. What activity or activities is/are affected by the impairment?

<input type="checkbox"/> Bending	<input type="checkbox"/> Hearing	<input type="checkbox"/> Reaching	<input type="checkbox"/> Speaking	<input type="checkbox"/> Other: (describe)
<input type="checkbox"/> Breathing	<input type="checkbox"/> Interacting with Others	<input type="checkbox"/> Reading	<input type="checkbox"/> Standing	_____
<input type="checkbox"/> Caring for Self	<input type="checkbox"/> Learning	<input type="checkbox"/> Seeing	<input type="checkbox"/> Thinking	_____
<input type="checkbox"/> Concentrating	<input type="checkbox"/> Lifting	<input type="checkbox"/> Sitting	<input type="checkbox"/> Walking	_____
<input type="checkbox"/> Eating	<input type="checkbox"/> Performing Manual Tasks	<input type="checkbox"/> Sleeping	<input type="checkbox"/> Working	_____

8. What is the expected duration of your impairment/limitation?

9. If you are requesting a specific accommodation(s), how will that accommodation(s) assist you to perform your job?

10. Has a health care professional recommended a specific accommodation? Please provide the documentation:

11. Have you had any accommodation in the past for this same limitation? If yes, please provide the documentation from previous accommodation:

12. Employee Signature and Date:

Warning: Information contained in this document is protected by the Privacy Act (5USC 552a)

ILLINOIS NATIONAL GUARD REASONABLE ACCOMMODATION REQUEST FORM

SECTION II RECOMMENDATION SECTION

SUPERVISOR

13. Supervisor's Name:	14. Contact Phone Number(s):
15. Recommend Approval/Approval With Modification/Disapproval and Justification (Review the RA in conjunction with the Position Description (PD) and include a copy of the PD):	16. Signature and Date:

HRO STAFFING REVIEW

17. Director, HRO Name:	18. Contact Phone Number(s):
19. Does the PD support approval of the Reasonable Accommodation? Please explain:	20. Signature and Date:

DIRECTOR/WING COMMANDER

21. Director Name:	22. Contact Phone Number(s):
23. Recommend Approval/Approval With Modification/Disapproval, Please Provide Justification for Modification or Disapproval Only:	24. Signature and Date:

SECTION III REVIEW SECTION (Required for Recommend Approval with Modifications or Disapproval, if Recommendation is Approval, Skip to Section IV)

25. Medical Branch Representative Name:	26. Contact Phone Number(s):
27. Recommend Approval/Approval With Modification/Disapproval and Justification:	28. Signature and Date:
29. State Judge Advocate's Name:	30. Contact Phone Number(s):
31. Recommend Approval/Approval With Modifications/Disapproval and Justification:	32. Signature and Date:

SECTION III

REQUIRED FOR RECOMMENDED MODIFICATIONS OR DISAPPROVALS, COMPLETED BY A MEDICAL PROVIDER

Note: Under the ADA, employers should only ask for necessary medical documentation. Do not ask for information you already have or do not need. Providers should only provide necessary and pertinent information.

To Employee: It has been determined by the Agency there is a need for additional medical information in order to effectively identify the most appropriate accommodation(s) for you. This form is to be completed by a physician or care provider. Completed forms are to be returned to: State Equal Employment Manager, 1301 N. MacArthur Blvd, Springfield, IL 62702. For assistance or questions, regarding this process please contact the ILNG Equal Opportunity Office at 217-761-3670/3518

Any information collected on this document and throughout the interactive process will be kept confidential in accordance with the Rehabilitation Act and applicable laws/regulations. Collected information will be kept in files separated from personnel files.

Requesting an accommodation and participating in the interactive process is a protected activity, and ILNG employees will not be retaliated for engaging in the process. Any employee who feels he/she has experienced retaliation for participating in the above activities should contact the State Equal Opportunity Office at 217-761-3670/3518 or an EEO professional within 45 days of the alleged retaliation or knowledge of the alleged retaliation.

Release of Information

I hereby authorize the release of the following information to the ILNG for the purpose of determining the availability of reasonable workplace accommodation(s). I understand that if the ILNG needs supplemental information, the Agency may ask me to sign an additional limited release and either submit a list of questions to the individual's health care professional or have the Agency's own physician contact the individual's health care provider. I have the right to revoke this authorization at any time. This release of information will expire within 60 days of signature.

Employee Signature

Date

Witness Signature

Date

To Health Care Provider: Please answer fully and completely. Questions seek a response as to the nature, severity, and duration of the employee's impairment, the activity or activities that the impairment limits, and the extent to which the impairment limits the employee's ability to perform the activity or activities; and, (2) substantiates why the requested reasonable accommodation is needed. Please limit your responses to the condition for which the employee is seeking an accommodation.

Provider's Name and business address:

Type of practice/Medical specialty: _____

Telephone: (____) _____ Fax: (____) _____

A. Questions to help determine whether an employee has a disability.

For reasonable accommodation under the ADA, an employee has a disability if he or she has an impairment that substantially limits one or more major life activities or a record of such an impairment. The following questions may help determine whether an employee has a disability:

Does the employee have a physical or mental impairment?

Yes ☐

No ☐

If yes, what the nature of the impairment?

Note: Some state laws may prohibit asking for a diagnosis.

Answer the following question based on what limitations the employee has when his or her condition is in an active state and what limitations the employee would have if no mitigating measures were used. Mitigating measures include things such as medication, medical supplies, equipment, hearing aids, mobility devices, the use of assistive technology, reasonable accommodations or auxiliary aids or services, prosthetics, learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, and physical therapy. Mitigating measures do not include ordinary eyeglasses or contact lenses.

Does the impairment substantially limit a major life activity as compared to most people in the general population?

Yes ☐

No ☐

Note: Does not need to significantly or severely restrict to meet this standard. It may be useful in appropriate cases to consider the condition under which the individual performs the major life activity; and/or the duration of time it takes the individual to perform the major life activity, or for which the individual can perform the major life activity.

Describe the employee's limitations when the impairment is active

Please describe the severity and duration of the impairment (e.g., long-term, permanent, recent, short-term).

What activity or activities are is/are affected by the impairment?

- | | | | | |
|--|--|-----------------------------------|-----------------------------------|--|
| <input type="checkbox"/> Bending | <input type="checkbox"/> Hearing | <input type="checkbox"/> Reaching | <input type="checkbox"/> Speaking | <input type="checkbox"/> Other: (describe) |
| <input type="checkbox"/> Breathing | <input type="checkbox"/> Interacting With Others | <input type="checkbox"/> Reading | <input type="checkbox"/> Standing | |
| <input type="checkbox"/> Caring For Self | <input type="checkbox"/> Learning | <input type="checkbox"/> Seeing | <input type="checkbox"/> Thinking | |
| <input type="checkbox"/> Concentrating | <input type="checkbox"/> Lifting | <input type="checkbox"/> Sitting | <input type="checkbox"/> Walking | |
| <input type="checkbox"/> Eating | <input type="checkbox"/> Performing Manual Tasks | <input type="checkbox"/> Sleeping | <input type="checkbox"/> Working | |

Major bodily functions:

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Bladder | <input type="checkbox"/> Digestive | <input type="checkbox"/> Lymphatic | <input type="checkbox"/> Reproductive |
| <input type="checkbox"/> Bowel | <input type="checkbox"/> Endocrine | <input type="checkbox"/> Musculoskeletal | <input type="checkbox"/> Respiratory |
| <input type="checkbox"/> Brain | <input type="checkbox"/> Genitourinary | <input type="checkbox"/> Neurological | <input type="checkbox"/> Special Sense Organs & Skin |
| <input type="checkbox"/> Cardiovascular | <input type="checkbox"/> Hemic | <input type="checkbox"/> Normal Cell Growth | <input type="checkbox"/> Other: (describe) |
| <input type="checkbox"/> Circulatory | <input type="checkbox"/> Immune | <input type="checkbox"/> Operation of an Organ | |

B. Questions to help determine whether an accommodation is needed.

An employee with a disability is entitled to an accommodation only when the accommodation is needed because of the disability. The following questions may help determine whether the requested accommodation is needed because of the disability:

What limitation(s) is interfering with job performance or accessing a benefit of employment?

What job function(s) or benefits of employment is the employee having trouble performing or accessing because of the limitation(s)?

How does the employee's limitation(s) interfere with his/her ability to perform the job function(s) or access a benefit of employment?

C. Questions to help determine effective accommodation options.

If an employee has a disability and needs an accommodation because of the disability, the employer must provide a reasonable accommodation, unless the accommodation poses an undue hardship. The following questions may help determine effective accommodations:

Do you have any suggestions regarding possible accommodations to meet job performance requirements? If so, what are they?

How would your suggestions improve the employee's job performance?

D. Other questions or comments.

Medical Professional's Signature

Date

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

ILLINOIS NATIONAL GUARD REASONABLE ACCOMMODATION REQUEST FORM

SECTION IV

APPROVAL/DISAPPROVAL SECTION

REASONABLE ACCOMMODATION DECISION AUTHORITY

33. Decision Authority:

34. Contact Phone Number:

35. Approval/Approval With Modifications/Disapproval:

☐ Approved

☐ Approved With Modifications

☐ Disapproved

Approval with Modifications or Disapproval Justification:

36. Signature and Date:

SECTION V

DECISION NOTIFICATION SECTION

STATE EQUAL EMPLOYMENT MANAGER

37. SEEM Name:

38. Signature and Date:

REASONABLE ACCOMMODATION REQUESTER

39. Signature and Date:

40. Accept Decision

Appeal Decision

SECTION VI

APPEAL AUTHORITY SECTION

THE ADJUTANT GENERAL

41. Appeal Decision:

42. Signature and Date:

SECTION VII

FINAL DECISION NOTIFICATION SECTION

STATE EQUAL EMPLOYMENT MANAGER

43. SEEM Name:

44. Signature and Date:

You have the right to file with the Equal Employment Opportunity Commission if you believe that the modification or disapproval of your reasonable accommodation discriminated against a disability.

REASONABLE ACCOMMODATION REQUESTER ACKNOWLEDGMENT

45. Signature and Date:

ENCLOSURE D
REFERENCES

- a. Title 32, United States Code
- b. Public Law 114-328, 23 Dec 2016, “National Defense Authorization Act for Fiscal Year 2017”
- c. Title 29, Code of Federal Regulations 1614
- d. Executive Order 13164, 26 Jul 2000
- e. EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, 20 Oct 2000
- f. Rehabilitation Act of 1973 (29 U.S.C 701), as amended
- g. Equal Employment Opportunity Commission Management Directive 715, 01 Oct 2003, “EEO Reporting Requirements for Federal Agencies”
- h. Title 29, Code of Federal Regulations 1614, 03 Jan 2017, Affirmative Action for Individuals with Disabilities in Federal Employment
- i. National Guard Discrimination Complaint Program, 27 Sep 2015
- j. Harassment Prevention and Response in the Armed Forces, 8 Feb 2018

ENCLOSURE E
REASONABLE ACCOMMODATION RESOURCES

1. U.S. Equal Employment Opportunity Commission (if applicable)
1-800-669-3362 (Voice)
1-800-800-3302 (TT)
<https://www.eeoc.gov/>
2. Job Accommodation Network
(JAN) 1-800-232-9675 (Voice/TT)
<http://janweb.icdi.wvu.edu/>

A service of the President's Committee on Employment of People with Disabilities. JAN can provide information, free-of-charge, about many types of reasonable accommodations.

3. ADA Disability and Business Technical Assistance Centers (DBTACs) 1-800-949-4232 (Voice/TT)

The DBTACs consist of 10 federally funded regional centers that provide information, training, and technical assistance on the ADA. Each center works with local business, disability, governmental, rehabilitation, and other professional networks to provide current ADA information and assistance, and places special emphasis on meeting the needs of small businesses. The DBTACs can make referrals to local sources of expertise in reasonable accommodations.

4. Registry of Interpreters for the Deaf (301) 608-0050 (Voice/TT)
<http://www.rid.org/>

The Registry offers information on locating and using interpreters and transliteration services.

5. RESNA Technical Assistance Project
(703) 524-6686 (Voice) (703) 524-6639 (TT)
<http://www.resna.org/>

RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America, can refer individuals to projects in all 50 states and the six territories offering technical assistance on technology-related services for individuals with disabilities. Services may include:

- information and referral centers to help determine what devices may assist a person with a disability (including access to large data bases containing information on thousands of commercially available assistive technology products);

ENCLOSURE E
REASONABLE ACCOMMODATION RESOURCES

- centers where individuals can try out devices and equipment;
assistance in obtaining funding for and repairing devices; and
equipment exchange and recycling programs.

6. Computer/Electronic Accommodations Program (CAP)

Main Office 4800 Mark Center Drive, Suite 05E22

Alexandria, VA 22350

(833) 227-3272 or (703) 614-8416 (voice)

(571) 384-5629

cap@mail.mil

CAP provides assistive technology and accommodations to support individuals with disabilities and wounded, ill and injured service members throughout the Federal Government in accessing information and communication technology.

ENCLOSURE F
ACRONYMS

ADA	Americans Disability Act
ADR	Alternative Dispute Resolution
AGR	Active Guard Reserve
ANG	Air National Guard
ARNG	Army National Guard
DoD	Department of Defense
EO	Executive Order
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
DPM	Disability Program Manager
HR	Human Resource
HRO	Human Resource Officer
JAN	Job Accommodation Network
ILNG	Illinois National Guard
MSPB	Merit Systems Promotion Board
NGB	National Guard Bureau
PA	Personal Attendant
PAS	Personal Assistance Services
RA	Reasonable Accommodation
SEEM	State Equal Employment Manager
SJA	Staff Judge Advocate
TAG	The Adjutant General

ENCLOSURE G DEFINITIONS

Alternative Dispute Resolution. Any procedure that is used to resolve issues in controversy, including but not limited to the services of a neutral third party through facilitation, mediation, fact-finding, mini-trial, arbitration, and the use of ombuds, or any combination.

Deciding Official. An individual who has authority to determine whether a requested accommodation will be provided.

Disability. In respect to an individual: (a) a physical or mental impairment that substantially limits one or more major life activities; (b) a record of such physical or mental impairment; or (c) is “regarded as” a person with a disability, meaning that he/she was subjected to discriminatory action because he/she was perceived to have an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

Disability Discrimination. (1) An employer, or other entity covered by the American with Disabilities Act, as amended, or the Rehabilitation Act, as amended, treats a qualified individual with a disability, who is an applicant or employee, unfavorably because he/she has a disability; (2) A covered employer or other entity treats an applicant or employee less favorably because he/she has a history of a disability or because he/she is perceived to have a physical or mental impairment that is not transitory and minor (even if he/she does not have such an impairment); or (3) A covered employer or other entity fails to make a reasonable accommodation and cannot demonstrate that the request is an undue hardship on the employer.

Dispute Resolution Process. Any voluntary mechanism through which an individual can request reconsideration of denial of reasonable accommodation, regardless of whether the person has started the EEO complaint process.

Dual Status/Military Technician. Positions in the National Guard Technician Program that require military membership in the National Guard as a condition of technician employment are in the excepted service under the provisions of 31 USC 709. This means they are “excepted” from the rules that govern civil service employees in the areas of tenure and competitive requirements of appointments. Employment as a NG Military technician does not result in “competitive civil service status. Loss of military membership for any reason can cause termination of technician employment.

Essential Function. Fundamental job duties of the position. The job cannot be completed without performing the functions. A function is “essential” if: (1) the position exists specifically to perform that function; (2) there are a limited number of other employees who could perform the function; and/or (3) the function is highly specialized and the individual is hired for his/her expertise or ability to perform the function. A determination of the essential functions of a position is

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made on a case-by-case basis and reflects the job as actually performed. It is not simply the components of a generic position description.

Extenuating Circumstances. Situations that could not reasonably have been reasonably anticipated or avoided, or are beyond ILNG's ability to control. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation is extended as necessary. Extensions are limited to circumstances where they are absolutely necessary, and only for as long as required to deal with the extenuating circumstance.

Individual with a Disability. A person who has a physical or mental impairment that substantially limits one or more of that person's major life activities, has a record of impairment, or is regarded as having such an impairment.

Interactive Process. The process by which the individual requesting an accommodation and the Deciding Official talk to each other about the request for accommodation, the process for determining whether an accommodation will be provided, and potential accommodations.

Invisible (Hidden) disabilities. These are disabilities that are not readily apparent, such as asthma, arthritis, chronic fatigue syndrome, epilepsy, kidney disease, diabetes, cancer, chronic depression, learning disabilities, and mild mental retardation.

Light Duty. Is a modified work position for a temporary time period in order to comply with physician verified restrictions, for employees at the same or lower grade.

Major Life Activity. Major Life Activities- those activities that are of central importance to daily life. These activities include, but are not limited to: Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working; and major bodily functions, including functions of the immune system, special sense organs, and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

Mental Impairment. Any mental or psychological disorder, such as mental retardation, organic, brain syndrome, emotional or mental illness, and specific learning disabilities.

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National Guard Employee. For the purpose of this manual and except as otherwise provided herein, Title 32 dual status technicians and/or Title 5 employees are collectively referred to as National Guard (NG) Employees or simply employees.

Non-Dual Status Technician. Positions in the National Guard Technician Program that do not require military membership in the National Guard as a condition of technician employment are Non-Dual Status Technicians. This status means the rules that govern civil service employees in the areas of tenure and competitive requirements for appointments are in force and result in “competitive” civil service status.

Permanent Disability. A lingering impairment that affects an employee’s ability to work or perform their assigned duties.

Personal Assistance Service Provider. An employee or independent contractor whose primary job functions include provision of PAS.

Physical or Mental 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 intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term

Physical or Mental Impairment cont.-physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, drug addiction, and alcoholism. See the EEOC nine rules of construction at Section 1630.3(j)(1)(i)-(ix).

Qualified Individual with a Disability. An individual who satisfies the requisite skill, experience, education, and other job-related requirements of the position; and can perform the essential functions of the position, with or without reasonable accommodation.

Reasonable Accommodation. Any work environment changes or any change to the way things are usually done that results in equal employment opportunity for an individual with a disability. Reasonable accommodations include: (a) Modifications or adjustments to a job application process that enable an applicant with a disability to be considered for the position he/she desires, provided he/she is qualified for the position; (b) Modifications or adjustments to the work environment, or the manner or circumstances under which the position held or desired is customarily performed,

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that enable an individual with a disability who is qualified for a given position to perform the essential functions of that position; and (c) Modifications or adjustments that enable a covered entity's employee with a disability to enjoy benefits and privileges of employment equal to those available to an employee without a disability. Some specific examples of reasonable accommodations can include: (a) Providing qualified readers or interpreters; (b) Providing screen reader or voice activated software; (c) Making existing facilities readily accessible and usable by employees and job applicants (for example, installing a ramp, widening a doorway, or reconfiguring a workspace.); (d) Modifying work schedules; (e) Acquiring or modifying equipment or devices; (f) Adjusting or modifying examinations, training materials, or policies; (g) Granting telework; (h) Restructuring a job, for example, by removing a marginal function; (i) Providing materials in alternative formats (e.g., Braille, large print); (j) Reassigning to a vacant position.

Reassignment. A form of reasonable accommodation that, absent undue hardship, is provided to employees (not applicants) who, because of a disability, can no longer perform the essential functions of their job, with or without reasonable accommodation. Reassignments are made only to vacant positions and to employees who are qualified for the new position. If the employee is qualified for the position, he/she will be reassigned to the job and will not have to compete.

Request for Reasonable Accommodation. A verbal or written statement that an individual needs an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to a medical condition.

Requestor. A qualified employee or applicant with a disability, or an individual acting on his/her behalf, who requests reasonable accommodation.

Retaliation. Encompasses illegal, impermissible, or hostile actions taken by a Service member's chain of command, peers, or coworkers as a result of making or being suspected of making a protected communication to include requesting or accessing reasonable accommodation.

Reprisal. Taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, for making, preparing to make, or being perceived as making or preparing to make a protected communication such as requesting or accessing an accommodation.

Substantially Limits. Broadly means the impairment substantially limits a major life activity in comparison to most people in the general population. It does not require scientific, medical, or statistical analysis in most cases. The focus is on how a major life activity is substantially limited, and not on what outcomes an individual can achieve. "Substantially limits" has a lower threshold than "prevents" or "severely or

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significantly restricts.” NOTE: While pregnancy itself is not a disability, pregnant job applicants and employees are not excluded from the protections of the ADA. Please see the EEOC’s “Enforcement Guidance: Pregnancy Discrimination and Related Issues.”

Targeted disabilities. 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 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. A list of targeted disabilities can be found here:

https://www.opm.gov/Forms/pdf_fill/sf256.pdf. Note, however, that not everyone with a targeted disability will be entitled to PAS, because only some individuals with targeted disabilities require assistance with basic activities like eating and using the restroom. Medical conditions that are more likely to result in the need for PAS include, for example, missing limbs or paralysis due to spinal cord injury.

Temporary Disability. A short-term disability is considered the time you spend recovering from an illness or injury. Any and all temporary disabilities would fall under light duty.

Undue Hardship. Any action that requires significant difficulty or expense for the ILNG. Determinations of undue hardship must always be made on a case- by-case basis, considering factors that include the nature and cost of the accommodation and the impact of the accommodation on the Agency. Specifically, undue hardship means that the entirety of the ILNG cannot absorb the costs or impact on operations of the proposed accommodation. Further guidance can be found at: <https://www.eeoc.gov/policy/docs/accommodation.html#undue>.