

## **Procedures for Providing Personal Assistance Services for Individuals with Disabilities**

### **I. Affirmative Action Obligation to Provide "Personal Assistance Services"**

On January 3, 2018, the Equal Employment Opportunity Commission's (EEOC) Final Rule on Affirmative Action for Individuals with Disabilities in Federal Employment took effect. Section 501 of the Rehabilitation Act prohibits Federal agencies from discriminating against individuals with disabilities in employment and requires agencies to be model employers. The final rule clarifies the obligations that the Rehabilitation Act of 1973 imposes on Federal agencies, as employers, that are over and above the obligation not to discriminate on the basis of disability.

The final rule requires Federal agencies to provide "personal assistance services" (PAS). 29 C.F.R. §1614.203(d)(5)(i). PAS provide employees with *targeted disabilities* "assistance with performing activities of daily living that an individual would typically perform if they did not have a disability, and that is not otherwise required as a reasonable accommodation, including, for example, assistance with removing and putting on clothing, eating, and using the restroom." PAS must be performed by a personal assistance service provider. Also, PAS must be provided to employees who need them when they telework under an agency's telework policy or telework as a reasonable accommodation.

PAS also must be provided when needed because of job-related travel. An employee receiving PAS in the office or while teleworking must still request PAS for job-related travel. OPM will not necessarily know that PAS is required for travel simply because an employee regularly receives PAS while at the worksite or while teleworking. It is also possible that an employee may require different PAS for travel than usually required. Because PAS for job-related travel are also considered a form of reasonable accommodation, requests for these services will be handled as requests for reasonable accommodation.

Employees do not need to determine if what they need is a reasonable accommodation or PAS; they should simply contact the OPM Reasonable Accommodation Manager (RAM) (see below) to explain what they need and commence the interactive process. The RAM will determine whether the request is for reasonable accommodation or PAS and proceed accordingly.

OPM will provide PAS if:

1. an employee requires them because of a "targeted disability"

2. provision of these services would, together with any reasonable accommodations required, enable an employee to perform the essential functions of a position the individual holds or desires
3. provision of such services would not impose an undue hardship on OPM

OPM is prohibited from taking any adverse action against job applicants or employees based on their need, or perceived need, for PAS.

## II. "Undue Hardship"

Undue hardship considers the nature, extent, and cost of accommodation; or of providing personal assistance services in relation to an agency's overall resources and the impact of the accommodation; or of the requirement to provide personal assistance services on the operation of the agency's business. Determination of undue hardship is always made on a case-by-case basis.

## III. "Targeted Disability"

A "targeted disability" is one that is designated as a "targeted disability or serious health condition" on the U.S. Office of Personnel Management's Standard Form 256 [https://www.opm.gov/Forms/pdf\\_fill/sf256.pdf](https://www.opm.gov/Forms/pdf_fill/sf256.pdf). Some targeted disabilities for which PAS may be needed include:

- missing extremities;
- significant mobility impairment benefitting from utilization of supports (such as a wheelchair or walker); and
- partial or complete paralysis.

## IV. Role of Reasonable Accommodation Manager

OPM's RAM or designee(s) conduct the interactive process, request medical information as necessary, and determine whether to grant or deny PAS. **The RAM or designee(s) handles all requests for PAS, even those requests made to a supervisor or manager.** The RAM will work in collaboration with the program office leadership, the OPM contract physicians, and other parts of HR as needed to identify and implement the appropriate PAS. **See Section VII on how to contact the RAM.**

## VI. Personal Assistance Services Procedures

Generally, OPM will use the same Procedures it follows for processing requests for reasonable accommodation and will follow the same time frames for processing requests. This means employees should follow the guidance in the Reasonable

Accommodation Procedures if they want to request PAS. Similarly, the responsibilities of the RAM, the employee, and other relevant OPM staff (e.g., supervisors and managers) during the interactive process, as discussed in the Reasonable Accommodation Procedures, apply to requests for PAS. The RAM will also follow the Reasonable Accommodation Procedures as they address requests for medical information and confidentiality. The Reasonable Accommodation Procedures may be found at: [Accommodations](#)

The provision of PAS may require the RAM to consult with a supervisor and/or manager to ensure that a personal assistance service provider has appropriate access to agency facilities and equipment.

## **VII. Contacting the RAM and Distribution of these Procedures**

Any individual seeking further information concerning these Procedures may contact the RAM via email at [RA@opm.gov](mailto:RA@opm.gov).

These Procedures shall be posted on OPM's internal (SharePoint) site, included in the employee handbook, and be available on the OPM public website. These Procedures will be provided in alternative formats when requested from the RAM by, or on behalf of, any OPM employee.