



DEPARTMENT OF DEFENSE
Defense Commissary Agency
Fort Lee, VA 23801-1800

DIRECTIVE

Procedures for Providing Reasonable Accommodation for Individuals with Disabilities

DeCAD 55-3
March 8, 2013

Equal Employment Opportunity
OPR: DeCA/CCE

References: See Enclosure 1

1. REISSUANCE AND PURPOSE. This Directive:

a. Rescinds DeCA Directive (DeCAD) 55-3 "Procedures for Providing Reasonable Accommodation for Individuals with Disabilities," November 2001, (Reference (a)), DeCAM 55-3.1 "Procedures for Providing Reasonable Accommodation for Individuals with Disabilities," March 8, 2013, (Reference (b)), and Section 701 of Title 29, United States Code, "The Rehabilitation Act of 1973," (Reference (c)).

b. Is established in compliance with references listed in Enclosure 1.

c. Establishes guidelines for providing reasonable accommodation to individuals who are covered and meet the requirements of this document, Executive Order 13164, "Requiring Federal Agencies to Establish Procedures to Facilitate the Provisions of Reasonable Accommodation," July 26, 2000 (Reference (d)).

d. Labor Relations Obligations. Where these procedures have an impact on bargaining unit employees, activities are reminded to satisfy their statutory labor relations obligations prior to implementing these procedures, Chapter 126 of Title 42, United States Code, "Americans with Disabilities Act of 1990," (Reference (e)). Questions concerning labor relations obligations can be addressed to Human Resources (HR) and the Office of General Counsel (GC).

2. APPLICABILITY. This Directive applies to all Defense Commissary Agency (DeCA) commissaries and activities.

3. POLICY. It is DeCA policy that:

a. Reasonable accommodation be provided to qualified employees and applicants with disabilities, unless it is determined that a particular accommodation would impose an undue hardship on the operations of DeCA.

b. Open and continuous communication, called the Interactive Process, will be maintained to ensure employees, applicants for employment, and supervisors are aware of accommodation options and the status of requests.

c. The confidentiality of medical information will be protected and shared only with those individuals with a need to know; i.e., Equal Employment Opportunity (EEO) specialists, human resources specialists, medical professionals, managers, and supervisors.

d. Reassignment is available only to employees, not to applicants. A reassignment will only be considered if no accommodations are available to enable the individual to perform the essential functions of the current job, or if the only effective accommodation would cause undue hardship. Reassignments may be made only to vacant, funded positions. DeCA will not create new positions or displace employees from their jobs.

4. RESPONSIBILITIES, PROCEDURES AND TIME LIMITS.

a. DeCA Director. The DeCA Director has overall responsibility for the development, implementation, and maintenance of a Reasonable Accommodation Program that operates in accordance with all applicable laws and regulations.

b. Director of Equal Employment Opportunity (EEO). The Director of EEO is delegated the responsibility for developing, implementing, and maintaining a Reasonable Accommodation Program.

c. Managers, Supervisors, Disability Program Manager, EEO and Human Resource Staff and Individuals Requesting Reasonable Accommodation. The responsibilities of these individuals are defined in DeCA Manual (DeCAM) 55.3-1.

d. Processing Requests for Accommodation. Requests for Reasonable Accommodation will be processed in accordance with the procedures in DeCAM 55.3-1.

e. Time Limits. The Agency will process requests for reasonable accommodations and provide accommodations, when appropriate, as soon as reasonably possible. Specific time limits are described in DeCAM 55.3-1.

5. MANAGEMENT CONTROL SYSTEM. This Directive does not contain internal management control provisions that are subject to evaluation, testing, and other requirements of Defense Commissary Agency Directive (DeCAD) 70-2 (Reference (g)) as specified by the Federal Manager's Financial Integrity Act and DoD Directive 5105.55, "Defense Commissary Agency (DeCA), "March 12, 2008 (Reference (h)).

6. RELEASABILITY – UNLIMITED. This Directive is approved for public release and is located on DeCA's Internet Web site at www.commissaries.com.

7. EFFECTIVE DATE. This Directive is effective immediately.


Teena P. Standard
Chief, Executive Services Division

Enclosures:

1. References
2. Definitions
3. Acronyms

ENCLOSURE 1

REFERENCES

- (a) DeCAD 55-3, "Procedures for Providing Reasonable Accommodation for Individuals with Disabilities," November 2001 (hereby rescinded)
- (b) DeCAM 55-3.1 "Procedures for Providing Reasonable Accommodation for Individuals with Disabilities," March 8, 2013
- (c) Section 701 of Title 29, United States Code, The Rehabilitation Act of 1973
- (d) Executive Order 13164, "Requiring Federal Agencies to Establish Procedures to Facilitate the Provisions of Reasonable Accommodation," July 26, 2000
- (e) Chapter 126 of Title 42, United States Code, Americans with Disabilities Act of 1990
- (f) DeCAD 70-2, "Internal Control Program," December 17, 2007
- (g) DoDD 5105.55, "Defense Commissary Agency (DeCA)," March 12, 2008

ENCLOSURE 2

DEFINITIONS

applicant. An individual who has applied for a current employment opportunity with DeCA.

disability. Means, with respect to an individual, (1) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (2) a record of such impairment; or (3) being regarded as having such an impairment.

employee. An individual who has completed the entrance on duty process through Human Resources.

essential functions. Those job duties that are so fundamental to the position of record to which an employee is assigned; or, in the case of an applicant, the position applied for, that the individual cannot do the job without performing those duties.

extenuating circumstances. Factors that could not reasonably have been anticipated or avoided in advance of the request for reasonable accommodation.

first-line supervisor. For employees, generally, the person who signs their position description as the supervisor and performance appraisal documents as the rating official.

equal employment opportunity. The office located at Fort Lee, VA, managing the Reasonable Accommodation Program.

major life activities. Basic activities an average person can perform with little or no difficulty. Example include speaking, walking, seeing, hearing, learning, caring for one's self, performing manual tasks, bodily functions (functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions).

qualified individual with a disability. A person with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of a position, and who can perform the essential functions of the position with or without reasonable accommodation.

reasonable accommodation. An adjustment or alteration that enables a qualified individual with a disability to apply for a job or perform job duties.

second-line supervisor. For employees, generally, the person who signs their performance appraisal documents the reviewing official.

undue hardship. When an accommodation would cause significant expense or disruption to DeCA operations. In situations of undue hardship, DeCA is not required to provide a requested accommodation.

ENCLOSURE 3

ACRONYMS

CAP Computer/Electronic Accommodations Program

DD Form Department of Defense Form

DeCA Defense Commissary Agency

DeCAD Defense Commissary Agency Directive

DM Decision Maker

DoD Department of Defense

DPM Disability Program Manager

EEO Equal Employment Opportunity

GC General Counsel

HR Human Resources

IP Interactive Process