ALASKA NATIONAL GUARD INSTRUCTION

JFHQ-AK/JTS-PM
DISTRIBUTION: TA

AKNGI 1718.16
18 December 2018

REASONABLE ACCOMMODATION PROGRAMS FOR CIVILIAN EMPLOYEES

References: See Enclosure B.

1. Purpose. This instruction establishes the Reasonable Accommodation (RA) procedures for current employees and job applicants. This instruction establishes procedures that will support the prompt, fair, and efficient processing of requests for RA; while ensuring that civilian and military managers and supervisors comply with the mandates of the Rehabilitation Act of 1973, as amended. This instruction meets federal requirements of Executive Order 13164 to provide RA to qualified employees and applicants with disabilities to ensure they have full access to resources.

2. Superseded/Canceled. AKNGI 1716.02, 09 June 2016

3. Applicability. This instruction applies to all federal employees, Title 32 and Title 5, in the Alaska National Guard (AKNG). Dual Status military members of the AKNG are or may be required to meet the physical standards and employment criteria of the Army or Air National Guard.

4. Policy. It is AKNG policy to provide RA to qualified individuals with disabilities, absent undue hardship. All supervisors and selecting officials of job applicants will comply with applicable Federal laws, Technician Personnel Regulations (TPR), and Equal Employment Opportunity Commission guidance. Active Guard and Reserve (AGR) employees are entitled to reasonable accommodations, but will follow applicable service regulations.

5. Definitions. See glossary.

6. Responsibilities.

a. The Director of the Human Resources Office (HRO) is responsible for the development, implementation, and administration of the AKNG RA Instruction.

b. The State Labor Relations Specialist (SLRS) is responsible for assisting and advising managers and supervisors in reviewing requests for RA.

c. The State Equal Employment Manager (SEEM) is responsible for conducting RA training, disseminating information on available RA resources, assisting employees with RA requests, ensuring copies of the RA instruction are available to employees, and job applicants in written and accessible formats, and tracking and reporting RA requests.

d. Commanders and Directors at all levels are responsible for supporting the RA process and providing the necessary resources to support the RA process.

e. Supervisors are responsible for the following: ensuring that employees are aware that the RA process is available to individuals with disabilities, receiving and reviewing RA requests from employees, consulting with the SLRS when an RA request is received, determining whether it is appropriate to approve an employee's RA request, whether to offer an alternative RA, or whether circumstances require the RA request to be denied and communicating the status and ultimate disposition of each RA request to the requesting individual.

f. Higher level supervisors will review and consider requests for reconsideration from employees whose RA requests were previously denied by a subordinate supervisor.

7. Procedure.

a. Initiating the Reasonable Accommodation Process:

i. Individuals may request a RA orally or in writing at any time. The agency does not require individual's to use particular words or phrases when requesting an RA, such as reasonable accommodation, Rehabilitation Act, or Americans with Disabilities Act. A RA request can be made on behalf of the individual, by a family member, health professional, or other representative who is acting on the individual's behalf. The individual does not have to have a particular accommodation in mind before initiating a request. For example, it is sufficient for a vision impaired individual to ask for assistance with certain work related materials.

ii. RA requests should be addressed to the individual's immediate supervisor. However, the RA request can be made to any of the following: a supervisor or manager in the individual's chain of command, the Equal Employment Opportunity office, and any agency employee connected with the application process, or any other individual designated by the agency to accept such requests. Requests for RA made to individuals or offices other than those listed cannot be properly tracked and will not be processed.

iii. The AKNG Form 1716.02 is utilized for all RA requests. It is attached to this instruction as Enclosure A. The form will be made available in alternative formats, as needed. The individual's initial request, whether oral or written, starts the RA process. Therefore, the agency will not wait until after receiving a written request to process an oral request for RA. Failure to initiate the processing of an oral request may result in undue delay in providing RA in violation of the Rehabilitation Act.

iv. If a RA is needed on a repeated basis, the individual does not need to submit a written request for record keeping purposes each time the accommodation is needed. For example, the assistance of a sign language interpreter or reader. In such cases, the individual may obtain the RA by providing notice to his/her supervisor once the RA is approved the first time.

b. Processing Requests for Reasonable Accommodation

i. A request for a RA is the first step in an informal interactive process between the employee and the supervisor. The process is always begun by the employee. Supervisors should not unilaterally ask employees if they have a disability or if they need an accommodation.

ii. Upon receipt of a RA request, supervisors will request the employee to complete and submit the AKNG Form 1716.02. Supervisors will not delay the interactive process while waiting for the completed form. The supervisor will then begin the interactive process by discussing the following with the employee requesting RA: the underlying disability or medical issue, the specific functional limitations resulting from the disability or medical issue and how they relate to or affect the employee's job functions, and any suggestions the employee has for a RA. The supervisor will document the conversation in writing.

iii. Supervisors are encouraged to seek guidance from the State Judge Advocate (SJA), the State Labor Relations Specialist, and the State Equal Employment Manager at any time during the process. Information obtained from the employee regarding the medical issue and related facts, documents, etc. will be kept confidential to the extent required by applicable law and regulations but will be shared with those individuals in the AKNG involved in determining whether to grant a request for a RA.

iv. In situations where the employee's disability and the need for a RA are reasonably obvious, the supervisor should assure the employee that he or she will determine whether the requested accommodation is available within 30 calendar days, absent extenuating circumstances. Where the employee has not requested a specific accommodation, the supervisor will inform the

employee that he or she will determine whether there is an RA that could be made, again within 30 calendar days.

v. Decisions on reasonable accommodations will be expedited when the RA is needed to enable an applicant to apply for a job or the RA is needed for a specific AKNG activity that is scheduled to occur shortly.

vi. The AKNG is entitled to know that an employee has a covered disability that requires a RA. Thus, when a disability or the need for a RA are not obvious, the AKNG can require that the employee provide reasonable documentation about the disability and functional limitations. The requested documentation must come from an appropriate professional, depending upon the type of claimed disability, such as doctors (including psychiatrists), psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals. The documentation must contain the following: the nature, severity, and duration of the employee's impairment; the activity or activities that the impairment limits; the extent to which the impairment limits the employee's ability to perform the activity or activities; why the employee requires a RA or the particular RA requested, as well as how the RA will assist the individual to apply for a job, perform the essential functions of the job, or enjoy a benefit of the workplace.

vii. Supervisors will not request medical documentation when: both the disability and the need for RA are obvious; or the employee has already provided the AKNG with sufficient information to document the existence of the disability and his/her functional limitations. Supervisors will require only the documentation that is needed to establish that the employee has a disability, and that the disability necessitates a RA. Thus, supervisors will not ask for information that is unrelated to determining the existence of a disability and need for a RA.

viii. Supporting medical documentation must be provided to the requesting official with 10 calendar days after the individual is informed that it is required, absent extenuating circumstances. Medical information will be kept confidential to the extent required by applicable law but will be shared only with agency officials in the AKNG involved in determining whether to grant a RA. These officials include: supervisors and managers who need to know may be told about necessary restrictions and about the necessary accommodation(s); first aid and safety personnel may be told if the disability might require emergency treatment; government officials to investigate the agency's compliance with the Rehabilitation Act; worker's compensation offices or insurance carriers; and agency EEO officials may be given the information to maintain records.

ix. The AKNG may request supplemental medical documentation if the information submitted does not clearly explain: the nature of the disability, or the need for the RA, or otherwise clarify how the requested accommodation will assist the employee to perform the essential functions of the job or to enjoy the benefits and privileges of the job, or assist with the application process. In such cases, supervisors or requesting officials should describe for the employee in writing why the submitted documentation was insufficient and identify the information that is needed. The supplemental medical documentation must be received by the requesting official within 10 calendar days of its request.

x. If the employee requesting a RA still fails to provide sufficient supplemental documentation, the AKNG may require the employee to go to a health care provider of the agency's choice at the agency's expense.

xi. In considering whether a RA can be provided, supervisors should identify the essential job functions of the individual's position, the individual's functional limitations to completing the essential job functions, and whether there are any reasonable alternative approaches to meeting essential job functions.

xii. A modification or adjustment is "reasonable" if it is feasible or plausible under the circumstances. An accommodation must be effective in meeting the needs of the individual. This means that an RA enables an individual to perform the essential functions of his/her position. Finally, a RA allows an individual an equal opportunity to enjoy the benefits and privileges of employment that employees without disabilities enjoy.

xiii. The AKNG has the authority to choose among possible RA's as long as the chosen RA is effective. Thus, as part of the interactive process, supervisors may offer individuals alternative suggestions for a RA and discuss their effectiveness in removing the workplace barrier that is impeding the individual. If there are two possible RA's, and one costs more or is more burdensome than the other, supervisors may choose the less expensive or burdensome accommodation as long as it is effective. Similarly, when there are two or more effective accommodations, supervisors may choose the one that is easier to provide. In either situation, the supervisor is not required to show that it is an undue hardship to provide the more expensive or more difficult accommodation. The preference of the individual should be given primary consideration, but the supervisor has the ultimate discretion to choose between effective accommodations.

xiv. There are several modifications or adjustments to which supervisors do not have the authority to agree. First, supervisors may not agree to eliminate an essential function, i.e., a fundamental duty of the position. This is because a person with a disability who is unable to perform the essential

functions, with or without reasonable accommodation, is not a "qualified" individual with a disability within the meaning of this instruction. A supervisor is also prohibited from agreeing to lower production standards as an accommodation whether qualitative or quantitative that are applied uniformly to other employees with or without disabilities.

xv. The AKNG will not provide as reasonable accommodations personal use items needed in accomplishing daily activities both on and off the job. Thus, the AKNG will not provide an employee with a prosthetic limb, wheelchair, eyeglasses, hearing aids, or similar devices if they are also needed off the job. Furthermore, personal use amenities, such as a refrigerator, will not be provided, if those items are not provided to employees without disabilities. Items that might otherwise be considered personal may be considered as reasonable accommodations in certain cases where they are specifically designed or required to meet job-related needs.

xvi. The reassignment to a vacant position for which an employee is qualified, and not just permission to compete for such position, is a reasonable accommodation. The agency must consider providing reassignment to a vacant position as a reasonable accommodation when it determines that no other reasonable accommodation will permit an employee with a disability to perform the essential functions of his or her current position. AKNG HRO must notify the supervisor and other officials that they are to conduct searches for available vacancies when considering reassignment as a RA.

c. Approval and/or Denial of Requests for Reasonable Accommodation

i. When the supervisor, with input from the State Labor Relations Specialist (SLRS), makes the determination that he/she will approve requested RA, the supervisor will notify the individual in writing and document the date and circumstances of the notification. The supervisor will implement the approved RA at the earliest possible moment. Failure to provide the accommodation in a prompt manner may result in a violation of the Rehabilitation Act. A copy of the supervisor's written notification will be placed in a separate file for the employee.

ii. When the supervisor, with input from the SLRS, makes the determination that he/she will deny a requested RA, or that he/she will offer an alternative RA, the supervisor will notify the individual in writing and will document the circumstances of the notification. The written notice will be made available in accessible formats, if needed. The written notification must contain: the name of the supervisor who made the decision, the reasons for the denial, a notice stating that if the individual wants to file an EEO complaint, the individual must contact the EEO office within 45 days of receiving the letter.

iii. If there is a delay in either processing a request for RA or providing a RA, the AKNG Human Resources Office must notify the individual in writing of the reason for the delay, including extenuating circumstances that justify the delay. If the agency cannot provide the accommodation immediately, the agency must provide an interim accommodation that allows the individual to perform some, or all essential functions of his or her job. If it is possible to do so without imposing undue hardship on the agency.

8. Informal Dispute Resolution and EEO Complaints

a. Whenever possible and in accordance with the desires of the complainant, the matter will be resolved in an informal setting. Informal dispute resolution may include mediation when parties agree. These mediation services may include consultation with the complainant and any other parties involved, either separately or jointly. Confidentiality in mediation shall be maintained. There is no requirement that the individual utilize the Informal dispute resolution process before contacting the EEO office or before filing an EEO complaint.

b. An applicant or employee has the right to file an informal EEO complaint if they believe the denial of the RA request was discrimination or harassment based on disability. A complaint should be filed with an EEO Counselor, within 45 calendar days after the date of the most recent alleged unlawful practice or discriminatory act, or within 45 calendar days after the date the complainant was notified, or became aware of the alleged violation.

9. Information Tracking

a. The proponent for RA is the EEO office. At the operational level, the servicing EEO office is responsible for tracking the following information:

i. The EEO office will assign a tracking number to the RA request form. EEO will notify in writing to the individual his/her tracking number within 5 calendar days of the RA or PAS request. The individual can track his/her RA or PAS request through his/her tracking number by calling the EEO or HRO office.

ii. The EEO office will record the specific accommodation; the job (occupational series, grade level, and agency component) sought by the 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.

10. Dispositions of Reasonable Accommodation Request Data

a. Documentation related to an individual who has requested RA is to be filed apart from other personnel records, safeguarded regarding confidential requirements and maintained for the duration of the employee's employment. Records concerning requests, approval, and denial are maintained by the EEO office.

b. The tracking information data should be maintained for a period of 5 years. This data will assist the agency in evaluating its performance regarding adequate and timely processing of RA requests and corrective action, if required.

11. Assessments.

a. For some RA requests, an ergonomic assessment may be advised first. Personnel shall notify their immediate supervisor to request an assessment. The supervisor will contact the SEEM office to schedule an ergonomic assessment when required:

i. The SEEM will coordinate Army National Guard (ARNG) requests with the Safety & Occupational Health office at (907) 428-6488. Ergonomic assessments will be scheduled with the Alaska ARNG Occupational Health Nurse prior to use of accommodative equipment to ensure the equipment is used correctly.

ii. The SEEM will coordinate Air National Guard (ANG) requests with the corresponding 176th Wing Safety office at (907) 551-7604 or 168th Wing Safety office at (907) 377-8746.

iii. In addition, employees may use the ergonomic checklist Occupational Safety and Health Administration (OSHA) provides at www.osha.gov.

12. Releasability. This issuance is approved for public release; distribution is unlimited.

13. Effective Date. This instruction is effective upon receipt.

KEVIN L. PARK, GS-14
Director, Human Resources Office
Alaska National Guard

Enclosures:

A - Personal Assistance Services
B - AKNG Form 1716.02
C - References
GL – Glossary

ENCLOSURE A

PERSONAL ASSISTANCE SERVICES

1. Requesting Personal Assistance Services (PAS)

a. The process for requesting PAS, the process for determining whether such services are required, and the agencies right to deny such requests when provision of the services would pose an undue hardship, are the same as for the RA process.

b. The Alaska National Guard is only required to provide PAS if:

i. An individual is an employee of the AKNG:

ii. An individual has a targeted disability;

iii. An individual requires the services because of his or her targeted disability;

iv. An individual will be able to perform the essential functions of the job, without posing a direct threat to safety, once PAS and any required RA have been provided; and

v. Providing PAS will not impose an undue hardship on the AKNG.

c. Personal assistance services will be provided by a PAS provider. The AKNG may require PAS providers to perform services to more than one individual, and PAS providers may perform tasks unrelated to personal assistance services, but only to the extent that doing so does not result in failure to provide PAS in a timely manner.

d. If the AKNG is utilizing a PAS provider who will be assigned to a single individual, and if that individual prefers a particular provider (e.g. because the provider has worked with the individual in the past), the AKNG will give primary consideration to the employee's choice to the extent permitted by law.

e. The AKNG is prohibited from taking adverse actions against job applicants or employees based on their need for, or perceived need for PAS.

ENCLOSURE B

AKNG FORM 1716.02 (FEDERAL SERVICE MEMBERS AND EMPLOYEES)

RECOMMENDATION FOR REASONABLE ACCOMMODATION OR PERSONAL ASSISTANCE SERVICES

Tracking Number:

Before completing and submitting this form, refer to AKNGI 1718.16 Reasonable Accommodation Programs for Civilian Employees for guidance and the following Privacy Act Statement:

PRIVACY ACT STATEMENT

The Alaska National Guard is authorized to collect the information by Section 501 of the Rehabilitation Act of 1973, 29 USC 791. The information provided by you will be used primarily to facilitate the processing of your request. Furnishing of the requested information and documentation is voluntary. However, failure to fully complete this form or provide the necessary information may result in either a delay of the needed accommodation or the denial of the request.

Part I - Employee/Applicant/Requestor Information

First Name:		Last Name:
Pay Plan/Series/Grade:	Position Title:	Organization:
Work and/or Home Phone Number:		Bargaining Unit:

I am requesting accommodation because I have the condition(s) described below:

Condition(s) (Describe condition(s) for which accommodation(s) is/are needed)

Situation or Job Task(s). (Describe employment situation, i.e., job tasks that keep you from performing essential job functions, or enjoying the benefits and privileges of employment)

Accommodation(s) Requested· Identify suggested accommodations(s). Provide recommendations for alternative accommodation(s)

NAME/TITLE	SIGNATURE	DATE

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

Part II - Supervisor

In accordance with the Act:
(1) Only information about the individual that is relevant and necessary to evaluate a request for RA should be requested, 5 USC 552a (e) (1).
(2) Information should be collected directly from the individual requesting the RA, particularly when the information may result in sensitive determinations about the individual's rights, benefits, and privileges that include possible RA, 5 USC 552a (e) (2).
(3) Appropriate administration plus technical and physical safeguards must be followed to insure the security and confidentiality of records. They must also protect against any anticipated threats or hazards to their security and integrity Failure to safeguard sensitive information appropriately could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual from which information is maintained, 5 USC 552a (e) (10).

Supervisor Name:	Work Phone Number.

Request for accommodation:

(1) Written Yes☐ (Attach Copy) No☐

(2) Oral Yes☐ (Attach Supervisor Documentation) No☐

(3) Date _____

(4) Employee/Applicant Name _____

(5) Position/Title for which request is being made _____

(6) If someone other than the person named in (4) above makes the request, provide the name/address/phone number and relationship of the person making the request for employee/applicant below.

Employee's stated accommodation:

What is the nature of the disability?

Is the disability and need for accommodation obvious? Yes☐ No☐

Has the employee provided medical information relative to the stated disability in the past? Yes☐ No☐
Date Received _____

If the answer to this question and the previous question are both "no," coordinate with the EEO office to request medical documentation from the employee.

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Part III - Directorate for Human Resources

Date request received	Date EEO office coordination	Date medical information	Date medical information received

Meeting with employee:

(1) Is a meeting needed to clarify needs? Yes☐ No☐

(2) Coordinated with the State Labor Relations Specialist before meeting with employee to determine obligation to invite bargaining unit representative? Yes☐ No☐

(3) Date of meeting _____

(4) Narrative describing discussion with employee (This may include list of jobs affected. If duties impacted are considered essential elements of employee's position, can accommodation be made to enable the employee to perform these tasks?)

List possible accommodations:

Coordinate with EEO office

(1) Date of meeting _____

(2) Narrative describing discussion (e.g., Does employee have a physical or mental disability that substantially limits one or more major life activities?) Which accommodations are available/reasonable? Is there a need to consult with a resource outside agency (e.g., Computer Electronic Accommodation Program (CAP))? Who has control over the resources? Who will make the decision? Must union official be notified before implementing an accommodation?

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Alternative Actions/Accommodations Recommendations:	
Alternative Actions/Accommodations: (Are any of the listed accommodations an undue hardship? Undue hardship must be based on an individual assessment for current circumstances that show a specific reason why accommodation would cause significant difficulty or expense to AKNG). If so, explain:	
Accommodations Chosen, if any: (Explain reason for choice)	
Coordinate with other organizational elements, as applicable, i.e., EEO, CAP, HRO, etc. if any of the possible accommodations require resources outside the control of the supervisor, facilities and fiscal managers should be included	
Effective Date for RA _____	Duration of RA Permanent: _____ Temporary: _____
Cost of Accommodation:	
Name of Approving Official.	Signature and Date of Approval:
Additional Notes:	
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Part IV – List of Reasonable Accommodation (RA) Resources

Computer/Electronic Accommodation Program (CAP)
Defense Medical Systems Support Center
5111 Leesburg Pike, Suite 810
Falls Church, VA 22041-3206
Phone: (703) 681-8811 (Voice/TTY)
Fax: (703) 681-9075
Website: www.tricare.osd.mil/cap

Job Accommodation Network (JAN)
918 Chestnut Ridge Road, Suite 1
West Virginia University
P.O. Box 6080
Morgantown, WV 26506-6080
Phone: (800) 526-7234 (Voice/TDD)
Website: www.janweb.icdi.wvu.edu

Equal Employment Opportunity Commission (EEOC)
Seattle Field Office
Federal Office Building
909 First Avenue, Suite 400
Seattle, WA 98104-1061
Phone: (800) 669-4000, (800) 669-6820 (TTY)
Website: www.eeoc.gov

Disability and Business Technical Assistance Center (DBTAC) – Northwest ADA Center
Phone: (425) 248-2480
Website: www.dbtacnorthwest.org/

Registry of Interpreters for the Deaf, Inc.
Phone: (703) 838-0030, (571) 257-3957 (VP)
Website: www.rid.org

United States Department of Labor (DOL)
The below website is designed to be a link to information and tools that will help service members affected by Traumatic Brain Injury (TBI) or Post Traumatic Stress Disorder (PTSD) succeed in the workplace. The resources include job sharing, coaching and mentoring programs, fact sheets, training tools, and success stories.
Website: www.AmericasHeroesAtWork.gov

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ENCLOSURE C

PART I – REFERENCES

1. Rehabilitation Act of 1973, as amended.

2. Americans with Disabilities Act (ADA) of 1990; and ADA Amendments Act of 2008 (ADAAA).

3. Executive Order 13164, 26 July 2000, "Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation."

4. 29 CFR Part 1630, Regulations to implement equal employment provisions of Americans with Disabilities Act of 1990, as amended.

5. EEOC Policy, Guidance on Executive Order 13164.

6. TPR 715, July 2007, Voluntary and Non-disciplinary Actions.

PART II – RELATED

1. Executive Order 13518, 9 November 2009, "Employment of Veterans in Federal Government."

2. Executive Order 13548, 26 July 2010, "Increasing Federal Employment of Individuals with Disabilities."

3. Executive Order 13583, 18 August 2011, "Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce."

ENCLOSURE GL

GLOSSARY

PART I - ABBREVIATIONS AND ACRONYMS

ANG	Air National Guard
AKNG	Alaska National Guard
ARNG	Army National Guard
CAP	Computer Accommodations Program
DMVA	Department Military and Veterans Affairs
EEO	Equal Employment Opportunity
FPR	Full-time Personnel Regulation
IWD	Individual with Disabilities
RA	Reasonable Accommodation

PART II – DEFINITIONS

Auxiliary aids and services - Auxiliary aids and services' includes qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments; qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments; acquisition or modification of equipment or devices; and other similar services and actions.

Eligible Persons – Persons eligible for Reasonable Accommodation and therefore covered by this policy are applicants for employment and employees.

Essential Functions - The essential functions of a job are those job duties that are so fundamental to the position that the individual cannot do the job without being able to perform them. A function can be essential if, among other things: 1) the position exists specifically to perform that function; 2) There are a limited number of employees available among whom the performance of that job function can be distributed; and/or 3) The function is highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

Extenuating Circumstances - Extenuating circumstances are factors that could not reasonably have been anticipated or avoided in advance of the RA request, such as back order of necessary equipment.

Individual with a Disability (IWD) - An IWD has one or more of the following: a physical or mental impairment substantially limiting at least one of that individual's major life activities, e.g., breathing, seeing, thinking, performing

manual tasks, interaction with others, caring for oneself; has a record of such an impairment; or is regarded as because of a perceived impairment.

Interactive Process - The interactive process is the process by which an individual making an RA request and the individual receiving the RA request communicate with each other about the request, the precise nature of the problem that is generating the request, how a disability is prompting a need for an accommodation, and alternative accommodations that may be effective in meeting the requestor's needs.

Major Life Activities - Major life activities include, but are not limited to, the following: in general, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working; and the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Episodic impairments or medical conditions that are in remission are nonetheless disabilities if they would substantially limit a major life activity when active.

Personal Assistance Services – Services that help individuals who, because of a targeted disability require assistance to perform basic activities of daily living, like eating and using the restroom, during work hours and job related travel.

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

Reasonable Accommodation (RA) - In general, an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. There are three categories of RA: modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment.

Regarded as Having Such Impairment - An individual meets the requirement of 'being regarded as having such an impairment' if the individual establishes that he or she has been subjected to an action prohibited under this Act

because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This paragraph shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

Targeted Disability – Targeted disabilities represent 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, that are above and beyond the barriers faced by people with a broader range of disabilities. A list of targeted disabilities can be found at https://www.opm.gov/Forms/pdf_fill/sf256.pdf

Undue Hardship - In general, undue hardship means, with respect to the provision of an accommodation, significant difficulty or expense incurred by the AKNG, when considered in light of the following factors: the resources and circumstances of the AKNG in relationship to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business.

The type of operations, including the composition, structure and functions of the workforce and geographic separation and administrative or fiscal relationship of the facility or facilities in question to the AKNG; and the impact of the accommodation upon the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.

Assessment will be conducted on a case-by-case basis to determine if a particular reasonable accommodation would cause undue hardship.