

Air Force Interim Instructions on the Provision of Personal Assistance Services (PAS) under
Section 501 of the Rehabilitation Act

A. Obligation to provide Personal Assistance Services (PAS)

Section 501 of the Rehabilitation Act of 1973 (Section 501) [82 FR 654, 657 (January 3, 2017)] requires federal agencies to provide PAS to employees who, because of targeted (severe) disabilities, require such assistance in order to be at work or participate in work-related travel, unless the provision of such services would impose an undue hardship on the agency.

B. Definitions.

1) Personal Assistance Services (PAS)

For purposes of this paragraph, PAS are defined as assistance with performing activities of daily living that an individual would typically perform if he or she did not have a disability, and that is not otherwise required as a reasonable accommodation (RA). PAS are not RAs related to essential functions of a position. PAS include, but are not limited to, getting in and out of a vehicle, assistance with removing and putting on clothing, eating, and using the restroom. PAS are to be provided during work hours and job-related travel, provided (1) the employee requires such services because of a targeted disability; (2) provision of such services would, together with any RA required under the existing regulations enable the employee to perform the essential functions of his or her position; and (3) the provision of such services would not impose undue hardship on the agency.

2) Targeted Disabilities

Targeted disabilities are a subset of the larger disability category. The federal government has recognized that qualified individuals with certain disabilities, particularly manifest disabilities, face significant barriers to employment, above and beyond the barriers faced by people with the broader range of disabilities. These barriers are often due to myths, fears, and stereotypes about such disabilities. The federal government calls these "targeted disabilities." They are:

- developmental disabilities, for example, cerebral palsy or autism spectrum disorder;
- traumatic brain injuries;
- deafness or serious difficulty hearing, benefiting from, for example, American Sign Language;
- blindness or serious difficulty seeing even when wearing glasses;
- missing extremities (arm, leg, hand and/or foot);
- significant mobility impairments, benefitting from the utilization of a wheelchair, scooter, walker, leg brace(s) and/or other supports;
- partial or complete paralysis (any cause);
- epilepsy and other seizure disorders;
- intellectual disabilities (formerly described as mental retardation);
- significant psychiatric disorders, for example, bipolar disorder, schizophrenia, PTSD, or major depression;
- dwarfism; and
- significant disfigurement, for example, disfigurements caused by burns, wounds, accidents, or congenital disorders.

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C. PAS Process

1) The installation Disability Program Manager (DPM) or in the absence of one, the Affirmative Employment Program Manager (AEPM), will be the point of contact for all PAS requests and implementation on an installation. Within fifteen (15) days of receipt, all requests for must be transmitted to the installation DPM or AEPM, or to the Equal Opportunity office (EO). The DPM or AEPM will ensure all requests are recorded.

2) There is no format required to constitute a request for PAS; however, the following information is required:

- Name of employee
- Identity of employee's organization and supervisor
- Targeted disability (diagnosis)
- Personal assistance required
- Explanation of how the requested service will allow the employee to undertake activities of daily living which occur in the workplace (including alternate duty locations) or during work-related travel
- Expected duration of the need for the PAS

3) The DPM or AEPM will meet with the requesting employee to confirm the existence of a targeted disability and record the information outlined in sub-paragraph 4.c.(2).

4) When the disability or need for PAS is not obvious, the Air Force may request medical documentation to determine whether an individual requesting PAS has a targeted disability. A request for such medical clarification must be limited to the diagnosis, prognosis, the daily activity/activities for which PAS are required, and an explanation of how the requested services will allow the employee to undertake activities of daily living which occur in the workplace (including alternate duty locations) or during work-related travel.

5) The DPM/AEPM may consult with the servicing Employee Relations office to determine the proper PAS.

6) The determination as to targeted disability and appropriate PAS will be submitted to the servicing Office of the Staff Judge Advocate for legal review. That office may consult with SAF/GCA if complex or novel legal issues are raised.

7) The DPM/AEPM may contact the Air Force Disability Program Manager, SAF/MRQ for guidance.

8) The DPM/AEPM will contact the organization. The decision on the request will be recorded. A decision to deny a PAS request will be considered "preliminary" and forwarded to the installation commander for the final decision.

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9) Denial authority for PAS shall be the installation commander or designee as prescribed under AFI 36-205, *Affirmative Employment Program, Special Emphasis Programs, and Reasonable Accommodation Policy*, paragraph 8.3.1.2.

10) Denials of PAS requests must be in writing and issued no later than 10 business days after the decision to deny the request. Denials must include specific reasons for the denial and the employee or office that made the decision. The employee's supervisor must notify the individual that he or she has the opportunity to pursue the EEO complaint process, the procedures for doing so, as well as identify and explain available avenues for informal dispute resolution. For disability-related complaint procedures, see AFI 36-2706, *Equal Opportunity Program, Military and Civilian*.

11) It is permissible to provide a PAS different from the one requested by the employee, provided that it is equally effective as the one requested. Approval of an alternate service is a modification rather than a denial of a PAS. Written notification should explain the reason(s) for rejection of the original service requested and the reason(s) why the chosen alternative is effective.

12) If the PAS is to be implemented, the DPM/AEPM will work directly with the organization with the assistance of Employee Relations.

13) The employee is not entitled to the PAS provider of their choice. For example, the Air Force is permitted to utilize a pool of PAS providers, rather than assign one PAS provider to each employee who needs one.

14) The DPM/AEPM will maintain all documents related to this process and create statistics and reports as necessary. This information will be maintained for five (5) years or for however long the employee is employed by the Air Force, whichever is longer.

D. Tracking Funding for PAS

The ESP code established to track RA requests, code 7F, will also be used to track PAS. This code enables organizations at all levels to properly plan for yearly PAS and RA costs. Should an organization be forced to defer another requirement in order to support a request for PAS or RA, an unfunded request can be submitted through that organization's established corporate process.