

To: All Employees of the Japan-U.S. Friendship Commission

From: Paige Cottingham-Streater (EEO Director)

Date: September 19, 2022

Re: Personal Assistance Services (PAS) Policies and Procedures

Pursuant to EEOC directives, the Japan-U.S. Friendship Commission (JUSFC) will provide Personal Assistance Services (PAS) to an individual if:

- The individual is an employee of JUSFC;
- The individual has a targeted disability;
- The individual requires the services because of their targeted disability;
- The individual 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; and
- Providing PAS will not impose undue hardship on the agency. Although distinguishable from requests for accommodation, requests for PAS will be initiated, processed, and otherwise addressed in the same manner.

Definitions

- a. Personal Assistance Services (PAS) § 1614.203(d)(5). PAS are services that help individuals who, because of targeted disabilities, require assistance to perform basic activities of daily living, like eating and using the restroom.
- a. Targeted Disability – Targeted disabilities are 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 Personal Assistance Services (PAS) in the workplace, that are above and beyond the barriers faced by people with the broader range of disabilities. The federal government calls these “targeted disabilities.”

- b. Undue Hardship - If a specific accommodation causes undue hardship, JUSFC does not have to provide that particular accommodation. Determination of undue hardship is always made on a case-by-case basis, considering factors that include the nature and cost of the reasonable accommodation and the impact of the reasonable accommodation on JUSFC's operations.

Responsibilities

- a. Agency Head/Disability Program Manager (DPM):
 - 1. Provides direction and guidance on the implementation of these procedures.
 - 2. Informs JUSFC staff and commissioners of the policy to ensure employees, and commissioners are aware of, and have the skills and information necessary to comply with these procedures; and to assure that employees who need and qualify for assistance are successfully accommodated.
 - 3. Acknowledges and begins action on a written request for personal assistance services within five (5) business days.
 - 4. Considers all resources that are available inside and outside of the agency to provide assistance services to eligible employees.
 - 5. Serves as a reviewing official for purposes of participating in the informal dispute resolution process when requests for personal assistance services are denied and appealed.
 - 6. Coordinates with GSA CABS when personal assistance services requests are complicated by performance, conduct, or leave issues, or a worker's compensation claim; or when an accommodation involves reallocation of tasks, revision of standards, or other adjustment ordinarily accomplished with the assistance of human resource staff.
 - 7. Maintains records submitted by employees in connection with personal assistance services requests, in a manner that complies with the confidentiality requirements of the Rehabilitation Act and the Privacy Act of 1974, 5 U.S.C. § 552a, as amended.

b. Employees and Applicants with Disabilities

An employee or applicant with a targeted disability who desires a Personal Assistance Service (PAS) is responsible for:

1. Requesting PAS orally or in writing.
2. Participating in good faith with JUSFC officials in an interactive process to determine whether PAS is appropriate.

Requesting Personal Assistance Services

Requesting PAS is similar to requesting a reasonable accommodation. An individual may request PAS by informing the Agency Head in writing that they need assistance with daily life activities because of a medical condition. The individual does not need to mention Section 501 or the EEOC's regulations explicitly, or use terms such as "PAS" or "affirmative action" to trigger the agency's obligation to consider the request.

Processing the Request

JUSFC's Agency Head/Disability Program Manager (DPM) oversees the PAS program.

The Executive Director will process requests for PAS in a prompt and efficient manner in accordance with the time frames set forth in these procedures. If a request is given to a manager rather than directly to the Executive Director, that individual should forward the request to the Executive Director within two business days.

The DPM will contact the employee within 10 business days after the request is made (even if the request is initially made to someone else) to begin discussing the PAS request. The DPM will ask the employee what types of services they need, using the same type of informal, interactive process used for reasonable accommodation.

Communication is a priority throughout the entire process, but particularly where the specific limitation, problem, or barrier is unclear. Both the requestor and the decision maker should work together to identify effective PAS.

Approval of Personal Assistance Services

If JUSFC grants a request for PAS, the Executive Director will provide the "Review of Personal Assistance Services Request" form to the requestor, with a written explanation of the PAS provided, and discuss implementation of the PAS.

If the request is approved but the PAS cannot be provided immediately, the Executive Director will inform the individual in writing of the projected time frame for providing the service(s).

Denial of Personal Assistance Services

If JUSFC denies a request for PAS, the Executive Director will provide the “Review of Personal Assistance Services Request” form to the requestor with a written explanation with the reason(s) for the denial to include why the PAS would result in an undue hardship or why it would be ineffective.

Selecting a PAS Provider

JUSFC may use federal employees, independent contractors, or a combination of employees and contractors to perform personal assistance services. If JUSFC is hiring a PAS provider who will be assigned to a single individual, and if that individual prefers a particular provider, then JUSFC will give primary consideration to the employee’s choice to the extent permitted by law. However, it may not be possible to honor the individual’s preference in all cases.

An individual may request permission to bring their own PAS provider to work as a reasonable accommodation if the individual does not request that the agency assume the cost of providing services. However, if the individual wants the agency to assume the cost of providing the services, the agency may have reasons to choose a different provider.

Inquiries

Managers, employees, or applicants wanting further information concerning these Procedures may contact the Executive Director/Disability Program Manager (DPM) via e-mail at pcottinghamstreater@jusfc.gov or 202-653-9800.