



REPLY TO THE
ATTENTION OF

DEPARTMENT OF THE ARMY
INSTALLATION MANAGEMENT COMMAND
UNITED STATES ARMY GARRISON-MIAMI
9301 NW 33rd STREET
DORAL, FL 33172-1202

IMAG-ZA

MEMORANDUM FOR SEE DISTRIBUTION

SEP 08 2015

SUBJECT: Policy Memorandum # 4 – Reasonable Accommodation

1. REFERENCE.

- a. Army Regulation 600-7, Non-Discrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army, dated 15 December 1983.
- b. The American with Disabilities Act of 1990, Title 42, United States Code, § 12101 et seq.
- c. American with Disabilities Amendment Act of 2008
- d. Equal Employment Opportunity Commission (EEOC) Policy Guidance on Executive Order 13164, dated 26 July 2000: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation.
- e. The Department of the Army, Procedures for Providing Reasonable Accommodation for Individuals with Disabilities, dated 17 March 2009.
- f. The Rehabilitation Act of 1973, as amended, Title 29, United States Code, § 791 et seq.
- g. Title 29, Code of Federal Regulations, Part 1630.
- h. Army Regulation 600-20, Army Command Policy, dated 4 Aug 2011 and Rapid Action Revision (RAR) dated: 20 September 2012.

2. PURPOSE. To establish the Garrison Manager's Policy on Reasonable Accommodation and provide reasonable accommodations to qualified individuals with disabilities and employees' religious practices; unless the accommodation would impose undue hardship.

3. APPLICABILITY. This policy applies to all civilians personnel assigned to and/or under the operational control of the U.S. Army Garrison-Miami to include non-appropriated fund (NAF) employees.

4. POLICY

a. Reasonable Accommodation is a change in the work environment or in the way things are customarily done that would enable an individual with a disability to enjoy equal employment opportunities.

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b. It is the policy of USAG-Miami to ensure that individuals with disabilities (i.e., employees and applicants for employment) are provided reasonable accommodations, whenever possible, in the workplace and in employment-related situations in a timely manner. USAG-Miami recognizes the importance of removing societal and institutional barriers to the employment of individuals with disabilities when appropriate to ensure opportunity for full participation in employment opportunities within USAG-Miami.

c. Accommodations will be provided to qualified individuals with disabilities, as well as employees' religious preferences and practices when such accommodations are directly related to performing the essential functions of a job, competing for a job, or enjoying equal benefits and privileges of employment. Providing reasonable accommodation to employees with disabilities and organized religious practices and performances is the key to a non-discrimination policy of fair and equal employment for people with disabilities, as well as those who practice their religious beliefs.

d. A person with a disability is one who has; (1) a physical or mental impairment that substantially limits one or more major life activities; (2) a record of such impairment; or (3) is regarded as having such impairment. Individuals who are solely regarded as having a disability are not entitled to reasonable accommodation.

e. Major life Activities is define as; functions such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. A major life activity also includes the operation of major bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. This is **not** an exhaustive list, but is representative of the types of activities that are considered as major life activities.

f. Physical or Mental Impairment is defined as; any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems; neurological, musculoskeletal special sense organs, respiratory (including speech organ), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic skin and endocrine; or any mental or psychological disorder such as mental retardation, organic brain syndrome, traumatic brain injury, emotional or mental illness, and specific learning disabilities.

g. Undue Hardship is defined as; a specific accommodation that would cause significant difficulty or expense. This determination, which must be made on a case-by-case basis, considers factors such as the nature and cost of the accommodation needed, the size and budget of the organization, and the impact of the accommodation on the operations of the agency, in this case, the Army.

h. A person who practices religion is one who has a personal set or institutionalized system of religious attitudes. A person, who requires reasonable accommodation for religious needs, must inform his or her supervisor. The Army will consider approving requests for accommodation of religious practices unless such accommodation will have an adverse impact on agency's readiness, individual readiness, agency's cohesion, morale, discipline, safety, and/or health.

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i. In order to initiate a reasonable accommodation employee must follow the outlined procedure IAW the Department of the Army, Procedures for Providing Reasonable Accommodation for Individuals with Disabilities, dated, 17 March 2009 §2 ¶ 2.1.

j. Employees who perceive they are victims of discrimination based on disability should report it immediately through their supervisory chain of command and/or contact the USAG-Miami Equal Employment Office at (305) 437-1826. Complaints alleging discrimination based on disability will be filed with the USAG-Miami EEO Office in accordance with established discrimination procedures.

5. PROPONENT. The United States Army Garrison-Miami Equal Employment Opportunity Office is the proponent for this policy. Point of contact is the EEO Officer at commercial (305) 437-1826.

6. EXPIRATION. This policy memorandum supersedes previous policy issued by the Garrison Manager and will remain in effect until superseded or rescinded.



DONALD A. BIRD
Garrison Manager

CF:
USAG-Miami Personnel