



STATE OF WEST VIRGINIA  
**OFFICE OF THE ADJUTANT GENERAL**  
1703 Coonskin Drive  
Charleston, West Virginia 25311-1085

NGWV-TAG

MAY 23 2019

MEMORANDUM FOR All West Virginia National Guard Federal Civilian Employees

SUBJECT: Policy Statement on Personal Assistance Services

1. Reference: Affirmative Action for Individuals with Disabilities in Federal Employment, Rehabilitation Act, 29 Code of Federal Regulations § 1614.203 (3 January 2017).

2. Definitions:

a. Personal Assistance Services (PAS). Services that help individuals who, because of a targeted disability, require assistance with performing basic activities of daily living (such as eating and using the restroom) during work hours and job-related travel.

b. Targeted disabilities. A subset of disabilities deemed to be severe. A list of targeted disabilities can be found at [https://www.opm.gov/Forms/pdf\\_fill/sf256.pdf](https://www.opm.gov/Forms/pdf_fill/sf256.pdf)

3. The process for requesting PAS, the process for determining whether such services are required, and the agency's right to deny requests when provision of services would pose an undue hardship are the same as for the Reasonable Accommodation (RA) process outlined in the West Virginia National Guard (WVNG) Reasonable Accommodation Standing Operating Procedures.

4. The WVNG is only required to provide PAS if the requesting individual:

- a. Is an employee of the WVNG;
- b. Has a targeted disability;
- c. Requires services due to his/her targeted disability;
- d. 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;
- e. Providing PAS will not impose an undue hardship on the WVNG.

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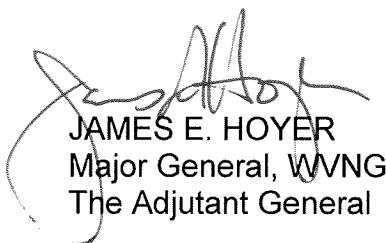
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5. Services will be administered by a PAS provider. The WVNG may require PAS providers to perform services for more than one individual, and PAS providers may perform tasks unrelated to PAS, but only to the extent that doing so does not result in failure to provide PAS in a timely manner.

6. If the WVNG utilizes a PAS provider who is assigned to a single individual, and that individual prefers a specific provider (e.g. because the provider has worked with the individual in the past), the WVNG will give primary consideration to the employee's choice to the extent permitted by law.

7. The WVNG is prohibited from taking adverse action(s) against job applicants or employees based on their need, or perceived need, for PAS.

8. Point of contact is the State Equal Employment Manager, SSG Matthew Shifflett, at 304-561-6411 or [matthew.c.shifflett.mil@mail.mil](mailto:matthew.c.shifflett.mil@mail.mil).



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