



STATE OF WEST VIRGINIA
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NGWV-TAG

MAY 23 2019

MEMORANDUM FOR All Personnel

SUBJECT: West Virginia National Guard Reasonable Accommodation Standard Operating Procedures

1. Purpose. This Standard Operating Procedure (SOP) establishes procedural guidance for maintaining the West Virginia National Guard (WVNG) Reasonable Accommodation (RA) program as it pertains to qualified federal civilian employees and applicants. The Federal Government may provide federal civilian employees and applicants with a reasonable accommodation based on appropriate requests unless doing so will result in undue hardship to the agency.

2. Cancellation. None

3. Applicability. This SOP applies to the processing of reasonable accommodation requests, to include requests for Personal Assistance Services (PAS), arising from federal civilian employment and applicants for employment, who are managed under the WVNG Adjutant General under Section 709(d) of Reference (a) and Section 10508 of Reference (b), as enacted in Reference (c), to include Title 5 civilian employees, Title V applicants, National Guard (NG) technicians, and NG technician applicants with disabilities.

a. This instruction does not apply to WV Military Authority (WVMA) or WV State Employees.

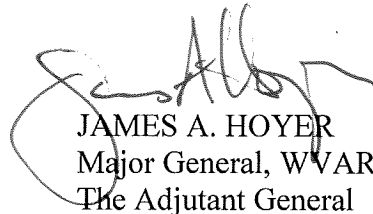
b. This instruction does not apply to NG Service members serving in a Title 10 status, the National Guard Bureau (NGB), the ARNG and ANG Readiness Centers, or all NG field-operating locations.

4. Background.

a. The Rehabilitation Act of 1973 (29 U.S.C 701), as amended, established employment protection for individuals with disabilities. The Act required employers to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, except when such accommodation would cause undue hardship.

b. On July 26, 2000, Executive Order (EO) 13164 was signed requiring Federal agencies to establish effective written procedures for processing requests for reasonable accommodation.

- c. On January 3, 2017, the EEOC issued updated regulations for Section 501 of the Rehabilitation Act of 1973. Section 501 prohibits federal agencies from discriminating against job applicants and employees based on disability and requires agencies to engage in affirmative action for individuals with disabilities. One of the provisions of the updated Section 501 regulations requires federal agencies to provide Personal Assistance Services (PAS) to certain employees with disabilities.
5. Policy. The WVNG is committed to providing reasonable accommodation to employees and applicants for employment in order to assure that individuals with disabilities enjoy full access to equal employment opportunity (EEO). The WVNG shall provide reasonable accommodation for the known physical or mental limitations of qualified employees and applicants with disabilities, unless the Agency can demonstrate that a particular accommodation would impose an undue hardship on the operation of its programs.
6. Guidance. The WVNG will utilize the Interactive Process to respond to reasonable accommodation (to include PAS) requests. This cooperative program allows a streamline process that ensures an effective management of providing accommodations. Supervisors and employees with disabilities are encouraged to participate with the Interactive Process in good faith. Stages of this process, are:
- a. Recognizing an Accommodation Request
 - b. Gathering Information
 - c. Exploring Accommodation Options
 - d. Choosing an Accommodation
 - e. Implementing the Accommodation
 - f. Monitoring the Accommodation.
7. Summary of Changes. None.
8. Releasability. This instruction is approved for public release; distribution is unlimited.
9. Effective Date. This policy is effective upon publication and must be reissued, cancelled, or certified as current within five years.



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