



POSTAL REGULATORY COMMISSION

PERSONAL ASSISTANCE SERVICE

PROCEDURES

The purpose of this document is to establish the Postal Regulatory Commission (Commission) procedures on handling requests for Personal Assistance Services (PAS) in accordance with 29 C.F.R. §1614.203(d)(5) and the Rehabilitation Act of 1973.

On January 3, 2017, the Equal Employment Opportunity Commission (EEOC) amended the regulations implementing Section 501 of the Rehabilitation Act of 1973; the law prohibits the federal government from discriminating in employment on the basis of disability and requires it to engage in affirmative action for people with disabilities. This amendment requires federal agencies to provide Personal Assistance Services (PAS) to individuals who need them because of certain disabilities.

The final rule requires Federal agencies to provide "personal assistance services" (PAS) as a form of affirmative action. PAS provide employees with *targeted disabilities* "assistance with performing activities of daily living that an individual would typically perform if they did not have a disability, and that is not otherwise required as a reasonable accommodation, including, for example, assistance with removing and putting on clothing, eating, and using the restroom." PAS must be performed by a personal assistance service provider. In addition, PAS must be provided to employees who need them when they telework under an agency's telework policy or telework as a reasonable accommodation or when needed because of job-related travel. An employee receiving PAS in the office or while teleworking must still request PAS for job-related travel as the Commission will not necessarily know that PAS is required for travel simply because an employee regularly receives PAS while at the worksite or while teleworking. It is also possible that an employee may require different PAS for travel than usually required. Since PAS for job-related travel are also considered a form of reasonable accommodation, requests for these services will be handled as requests for reasonable accommodation.

Employees do not need to determine if what they need is a reasonable accommodation or PAS; they should simply contact their supervisor or HR and explain what they need. HR will determine whether the request is for reasonable accommodation or PAS and proceed accordingly.

The Commission must provide PAS if an employee requires them because of a "targeted disability", and provision of these services would, together with any reasonable accommodations required, enable an employee to perform the essential functions of a position the individual holds or desires, and provision of such services would not impose an undue hardship on the Commission. The Commission is prohibited from taking any adverse action against job applicants or employees based on their need, or perceived need, for PAS.

The Commission has designated HR to conduct the interactive process, request medical information as necessary, and determine whether to grant or deny PAS. **HR handles all requests for PAS, even those requests made to a supervisor or manager.**

REQUESTING PERSONAL ASSISTANCE SERVICES

Requesting PAS is similar to requesting a reasonable accommodation. An individual may request PAS by informing their supervisor or Human Resources (HR) that he or she needs 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.

HR oversees the Commission's PAS program. HR 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 supervisor rather than directly to HR, the supervisor should forward the request to HR (HR@prc.gov) within two business days.

HR 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. HR will ask the employee what types of PAS he or she needs using the same type of informal, interactive process used for reasonable accommodation (see Reasonable Accommodation Policy).

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.

HR will complete processing of the request within 30 business days, absent extenuating circumstances, after the request was first received by either HR or another designated individual. Completion of processing includes provision of PAS, if granted. The 30-day period may be extended if medical documentation is requested and/or if there are "extenuating circumstances." "Expedited processing" may sometimes be required.

APPROVAL OF PERSONAL ASSISTANCE SERVICES

If a request for PAS is granted, HR will provide the requestor with a written explanation of the PAS to be provided, and discuss implementation of the PAS. If the request is approved but the PAS cannot be provided immediately, HR will inform the individual in writing of the projected time frame for providing the service(s).

DENIAL OF PERSONAL ASSISTANCE SERVICES

If a request for PAS is denied, HR will provide the requestor with a written explanation of the reason(s) for the denial, to include why the PAS would result in an undue hardship.

SELECTING A PAS PROVIDER

The Commission may use federal employees, independent contractors, or a combination of employees and contractors to perform personal assistance services. If the Commission is hiring a PAS provider who will be assigned to a single individual, and if that individual prefers a particular provider, then the Commission 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.

INQUIRIES

Managers, employees or applicants wanting further information concerning these procedures may contact HR via e-mail at HR@prc.gov.