

Management Instruction

Providing Personal Assistance Services (PAS)

This management instruction (MI) establishes the guidelines for providing Personal Assistance Services (PAS), as needed, to Postal Service™ employees who have targeted disabilities. Specifically, this MI provides definitions and describes legal obligations, policies, and processes to ensure proper evaluation of requests as well as appropriate use of PAS.

Purpose

The Equal Employment Opportunity Commission (EEOC) has issued a final rule requiring, among other responsibilities, that the Postal Service’s affirmative action plan enable the timely provision of PAS to eligible employees with targeted disabilities if providing PAS will not result in an undue hardship.

Policy

Overview

Some individuals with targeted disabilities are unable to work unless PAS are provided to them. All federal agencies, including the Postal Service, have an affirmative action responsibility under the law to enable the timely provision of PAS to help employees who, because of these targeted disabilities, require assistance to perform basic activities of daily living.


Definition of PAS

PAS means assistance with performing activities of daily living that an individual would typically perform if he or she did not have a disability and that is not otherwise required as a reasonable accommodation. Such services do not include medical care and are not the same as reasonable accommodations, which help employees perform job-related tasks. However, PAS may be provided in addition to required reasonable accommodations.

Employees Eligible for PAS

The Postal Service may provide PAS during work hours and work-related travel to an employee who requests PAS, has a targeted disability, and requires PAS because of that targeted disability so long as the provision of PAS will—together with any required reasonable accommodation—enable the employee to perform the essential

Date	October 1, 2018
Effective	Immediately
Number	EL-670-2018-4
Unit	Labor Relations



Doug Tulino
Vice President
Labor Relations

CONTENTS

Purpose	1
Policy	1
Overview	1
Definition of PAS	1
Employees Eligible for PAS	1
Targeted Disabilities	2
Procedures in the PAS	
Process	2
Requesting PAS	2
Processing Requests for PAS	2
Contracting With PAS Providers	3
Fulfilling Approved PAS Requests	3
Exigent Circumstances	4
No Adverse Action	4

functions of his or her position and the provision of PAS will not impose an undue hardship on the Postal Service.

Targeted Disabilities

Targeted disabilities are those disabilities designated as a “targeted disability or serious health condition” on the Office of Personnel Management’s Standard Form 256, *Self-Identification of Disability*. As of October 2018, those disabilities are the following:

- a. Developmental disability (e.g., autism spectrum disorder).
- b. Traumatic brain injury.
- c. Deafness or serious difficulty hearing benefiting from, for example, American Sign Language, Communication Access Realtime Translation (CART), hearing aids, a cochlear implant, and other supports.
- d. Blindness or serious difficulty seeing even when wearing glasses.
- e. Missing extremities (including arm, leg, hand, and/or foot).
- f. Significant mobility impairment benefiting from the use of a wheelchair, scooter, walker, leg brace(s), and other supports.
- g. Partial or complete paralysis.
- h. Epilepsy or other seizure disorders.
- i. Intellectual disability.
- j. Significant psychiatric disorder (e.g., bipolar disorder, schizophrenia, Post Traumatic Stress Disorder, or major depression).
- k. Dwarfism.
- l. Significant disfigurement (e.g., disfigurements caused by burns, wounds, accidents, or congenital disorders).

Procedures in the PAS Process

Requesting PAS

The Postal Service activates the PAS process only upon receiving a request from the employee requiring PAS. An employee may request PAS orally or in writing. The employee need not mention the Rehabilitation Act or use the phrases “affirmative action,” “PAS,” or “personal assistance services.” The employee can make a request for PAS to any one of the following:

- a. His or her supervisor or manager, or any Postal Service supervisor or manager.
- b. The manager, Human Resources (District).
- c. The Reasonable Accommodation Committee (RAC) Chair.

Processing Requests for PAS

A request for PAS requires a case-by-case evaluation to determine whether there is a medically valid need for the services and whether or not that need can be fulfilled without causing an undue hardship on the Postal Service. As such, managers and supervisors must immediately refer any request to their local RAC, which will ensure appropriate

assessment of these requests. The RAC assists managers and supervisors in the following:

- a. Determining the eligibility of an employee for PAS.
- b. Assessing the reasonableness of the requested services, including whether implementing the services would impose an undue hardship on the Postal Service.
- c. Working with Purchasing and Supply Management to fulfill approved PAS requests.

Note: Managers and supervisors must not determine whether to approve or deny a request for PAS; their local RAC evaluates the request and determines its outcome.

The local RAC conducts an interactive meeting with the requesting employee within a reasonable time. After that meeting has occurred, the RAC then has a reasonable period of time to decide whether to grant or deny PAS.

In determining whether an employee requires PAS, RACs follow the same procedures they use in assessing reasonable accommodation requests. In addition, the Postal Service's right to deny PAS requests when the provision of services would pose an undue hardship is the same as exists for the denial of reasonable accommodations.

Information about these standards and the role and responsibilities of the RAC, as well as making a referral to the RAC, can be found in Handbook EL-307, *Reasonable Accommodation, An Interactive Process*. Employees may also contact their local Human Resources office or the National Disability Programs office to obtain the local RAC chairperson point of contact.

Contracting with PAS Providers

If the RAC grants an employee's request for PAS, the Postal Service satisfies its obligations to provide PAS by using independent contractor(s) who can provide PAS services as described in the Statement of Work (SOW). Accordingly, any approved PAS will be fulfilled by a local contract with a PAS provider to meet the specific needs of employee(s) requiring PAS.

A single PAS provider may be retained by the Postal Service to provide PAS to multiple employees and/or to perform tasks unrelated to PAS for the benefit of the Postal Service. If the provider provides PAS to only a single employee, the Postal Service will consider the employee's preferences to the extent permitted by law.

The RAC, in coordination with Supply Management, identifies a qualified PAS provider in the employee's local area. The pool of potential qualified PAS providers may include trained, licensed, or certified home health aides or personal care aides, and similarly qualified individuals.

Fulfilling Approved PAS Requests

If the RAC grants an employee's request for PAS, the Postal Service must ensure that an eBuy2 requisition is submitted to obtain funding within a reasonable time after the RAC's decision. **Note:** The National Disability Program at Headquarters provides the funding for PAS services.

Based on the approved PAS, the RAC drafts an SOW which includes the following information:

- a. The particular services needed by the employee.
- b. The hours during which the PAS provider needs to be employed.
- c. The period of time for which PAS is approved.

The RAC submits the SOW and recommendation for a PAS contractor to the National Disability Program office. The National Disability Program office works with an appropriate Purchasing and Supply Management specialist or Supply Management team lead to generate the eBuy2 requisition and the contract agreement to ensure provision of PAS to the employee within a reasonable time.

Once an invoice is received by the local Contracting Officer Representative (COR), the COR verifies the charges received, certifies the invoice, and submits the invoice to San Mateo Accounts Payable for payment using the Headquarters Centralized Reasonable Accommodation finance number for all services rendered. The assigned Purchasing and Supply Management specialist or team lead may be consulted with any questions about invoice processing.

Exigent Circumstances

It will not be a violation of this MI if the Postal Service does not provide PAS to an employee for whom the RAC has approved PAS when such failure is due to an exigent circumstance.

Exigent circumstances include, but are not limited, to the following:

- a. Cancellation or failure of a qualified PAS provider to appear as scheduled.
- b. Security breaches or acts of terrorism.
- c. Natural disasters.
- d. Actions or omissions by the employee that prevent PAS from being provided.
- e. Other incidents beyond the control of the Postal Service.

The Postal Service will provide or restore any PAS required under this MI as soon as is reasonably possible after the exigent circumstance passes, after the effects of the exigent circumstance can reasonably be corrected by the Postal Service, or both, all as determined on a case-by-case basis.

No Adverse Action

No adverse action may be taken against an employee of the Postal Service based on his or her need for PAS. An employee who requests or receives PAS also cannot be required to complete a self-identification form regarding whether he or she has a disability, such as PS Form 2489, *Self-Identification of a Physical or Mental Disability*. However, the Postal Service may count an employee who receives PAS in its annual disability workforce analysis, even if that individual does not self-identify as having a disability.