

Environmental Protection Agency
Personal Assistance Services (PAS) Reference Guide
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BACKGROUND

On January 3, 2017, the Equal Employment Opportunity Commission (EEOC) amended the regulations implementing Section 501 of the Rehabilitation Act of 1973 (Section 501), which is the law that 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.

The amended regulations at 29 C.F.R. § 1614.203(d)(5) require federal agencies to provide Personal Assistance Services (PAS) to certain employees who need them because of targeted disabilities.

Federal agencies are required to provide PAS to both existing and new employees with certain targeted disabilities regardless of when the employee was hired. Even if an existing employee who is entitled to PAS under the amended regulations has arranged for their own PAS in the past, agencies now responsible for providing PAS. Each agency is also required to prepare and submit annually to EEOC an affirmative action plan for individuals with disabilities that includes a copy of PAS procedures and information on its efforts to implement them.

PURPOSE OF DOCUMENT

EPA uses the [EPA Reasonable Accommodation Procedures](#)¹ to provide PAS. However, this reference guide provides additional information for EPA employees and supervisors about requesting or providing PAS and other applicable federal laws, regulations, and policies that may pose unique issues in the PAS context. This document addresses:

- Who can request PAS and how;
- Person(s) Providing PAS
- PAS and Travel (Official and Local);
- PAS and Telework; and
- Funding PAS.

Additionally, the Equal Employment Opportunity Commission (EEOC) provides information about the most common questions regarding PAS in the following document: [Questions and Answers: Federal Agencies' Obligation to Provide Personal Assistance Services \(PAS\) under Section 501 of the Rehabilitation Act](#)².

For further assistance, please contact the National Reasonable Accommodation Program via ReasonableAccommodations@epa.gov in the Office of Civil Rights. The Senior National

¹ <https://www.epa.gov/ocr/reasonable-accommodation-procedures-and-form-reasonable-accommodation-requests>

² <https://www.eeoc.gov/federal/directives/personal-assistance-services.cfm>

Reasonable Accommodation Coordinator and National Reasonable Accommodation Coordinator (NRAC) will direct specific issues to subject matter experts based on the specific issue in question.

WHAT IS PAS?

PAS is defined as 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 29 C.F.R. § 1614.203(d)(5). The applicable regulations do not attempt to list every activity that might constitute PAS. For example, pushing a wheelchair or assisting someone with getting into or out of a vehicle at the worksite may also be considered PAS. However, PAS do not include medical services, for example, performing medical procedures (e.g., administering shots) or medical monitoring (e.g., monitoring blood pressure). PAS also do not help individuals with disabilities perform their specific job functions, such as reviewing documents or answering questions that come through a call-in center. Services that help individuals perform job functions are reasonable accommodations. The Agency's obligation to provide reasonable accommodations that do not pose an undue hardship to the Agency are unaffected by the requirement to provide PAS.

REQUESTING PAS

Who can request PAS?

An EPA employee may be eligible for PAS, during work hours and/or when on work-related travel, if the following conditions apply:

1. The individual is an employee of the Agency;
2. The individual has a targeted disability;
3. The individual requires PAS because of their targeted disability;
4. The individual will be able to perform the essential functions of the job, without posing a direct threat to safety, once PAS and any required reasonable accommodations have been provided; and
5. Providing PAS will not impose undue hardship on the Agency.

Notably, unlike reasonable accommodations, applicants for employment at EPA are not entitled to PAS; however, such applicants who need assistance with the application or hiring process can continue to request a reasonable accommodation.

What are targeted disabilities?

Targeted disabilities are a subset of conditions that would be considered disabilities under the Rehabilitation Act.³

Examples of targeted disabilities include:

- Developmental Disability (for example, autism spectrum disorder)
- Traumatic Brain Injury
- Deaf or serious difficulty hearing (benefiting from, for example, American Sign Language, captioning, hearing aids, a cochlear implant and/or other supports)
- Blind or serious difficulty seeing even when wearing glasses
- Missing extremities (arm, leg, hand and/or foot)
- Significant mobility impairment (benefiting from the utilization of a wheelchair, scooter, walker, leg brace(s) and/or other supports)
- Partial or complete paralysis (any cause)
- Epilepsy or other seizure disorders
- Intellectual disability
- Significant Psychiatric Disorder (for example, bipolar disorder, schizophrenia, PTSD, or major depression)
- Dwarfism
- Significant disfigurement (for example, disfigurements caused by burns, wounds, accidents, or congenital disorders)⁴

Note, however, that not everyone with a targeted disability will be entitled to PAS under the amended regulations, because only some individuals with targeted disabilities require assistance with basic activities like eating and using the restroom.

How to request PAS

An EPA employee may request PAS by notifying their supervisor or other manager in the person's management chain, the Senior NRAC, NRAC, Local Reasonable Accommodation

³ Under 29 CFR 1614.209 (a)(9), targeted disability means a disability that is designated as a "targeted disability or health condition" on the Office of Personnel Management's Standard Form 256 (available at https://www.opm.gov/forms/pdf_fill/sf256.pdf) or that falls under one of the first 12 categories of disability listed in Part A of question 5 of the Equal Employment Opportunity Commission's Demographic Information on Applicants form (available at https://www.eeoc.gov/federal/upload/Applicant_Tracking_Form_2-19-2014-2.pdf)..

⁴ These examples are noted in the OPM Self-identification of disability form, available at https://www.opm.gov/Forms/pdf_fill/sf256.pdf. This form is not required to be filled out in order to request PAS.

Coordinator (LORAC)⁵ or other appropriate Agency officials (e.g., HR representative) verbally or in writing that they need assistance with daily life activities to participate in the workplace because of a targeted disability. The individual does not need to mention Section 501 or the EEOC's regulations explicitly or use the term "PAS" to trigger EPA's obligation to consider the request. The person the employee made the request to (usually the supervisor) should work with the Senior NRAC, NRAC, or LORAC to confirm with the employee that their information is a request for PAS. The Senior NRAC, NRAC, or LORAC (depending on the employee's work location) will assist the supervisor and provide information on the request process to the employee.

HOW WILL PAS REQUESTS BE PROCESSED?

Eligibility for PAS

Eligibility for PAS will be determined through an interactive process that may involve communication between the employee, the decisionmaker, Senior NRAC, NRAC, LORAC, and other individuals on a "need-to-know" basis. The final decisionmaker will usually be the employee's supervisor or a person in the employee's management chain who can implement the decision.

Because each person with a disability has different needs that are specific to their limitations and medical condition(s) and the circumstances of when they have the needs, each PAS request will be processed on a case by case basis. EPA is only required to provide PAS if the requesting employee is entitled to them under the regulations. Therefore, EPA may deny a request for PAS if:

- The requestor is not an employee of EPA;
- The requestor does not have a targeted disability;
- The targeted disability does not create a need for PAS;
- The requestor is not able to perform the essential functions of the job, even with PAS and any reasonable accommodations;
- The requestor would create a direct threat to safety on the job, even with PAS and any reasonable accommodations; or
- Providing PAS would impose undue hardship on the Agency.

Timeline for Processing PAS Requests

A request for PAS will be decided upon (either be granted or denied) within 20 business days of the initial request, unless there are extenuating circumstances warranting extensions of time frames or additional medical documentation is needed to address the limitations.

⁵ List of LORACs is available at: <https://www.epa.gov/ocr/reasonable-accommodation#staff>),

PERSONS PROVIDING PAS

EPA may provide PAS via contractors or federal employees, depending on the employee's need and the operational resources required to establish and provide PAS. Agencies may employ personal assistants for eligible employees with targeted disabilities under authority provided by 5 U.S.C. § 3102 (Refer to ["Who can request PAS?"](#)).

Contract Options

The decision-maker for the employee's request should contact the Office of Acquisition Solutions (OAS) for information on contracting options before beginning a new procurement. OAS will work with the appropriate program office to establish a contract to provide PAS if needed. In addition, if there is a need, OAS will evaluate and establish an agency-wide contracting vehicle to offer a single contracting solution for EPA's PAS needs.

Existing Employees

EPA may assign the responsibility to provide PAS to an existing employee only if the employee already performs PAS or a similar service as part of their regular job duties.

Using Family or Friends to Provide PAS

Employees requiring PAS may request that services be provided by individuals with whom they are personally associated, such as family members or known providers. To the extent permitted by law, EPA will consider the employee's choice; however, EPA must comply with the Competition in Contracting Act, 41 U.S.C. § 3301, and prohibitions on nepotism, 5 U.S.C. § 3110. It is within the Agency's discretion to consider an employee's request to bring their own PAS provider to work as a reasonable accommodation if the individual does not request that the Agency assume the cost of providing the services consistent with 5 U.S.C. § 3102(b).

When an employee requests that a family member or a known provider provide PAS during travel, the request will be considered on a case-by-case basis. For example, under 5 U.S.C. § 3102(d), EPA may authorize payment and allowances for an individual, including a relative, to accompany and/or assist an employee with a disability on official travel. Alternatively, under 5 U.S.C. § 5703, EPA may issue invitational travel orders to a non-appointed individual personally associated with the requesting employee to provide PAS while the employee is on official travel. In such circumstances, the PAS provider on invitational travel orders would be entitled to the same per diem and travel-related reimbursements as any federal employee would receive but would not receive other compensation.

PAS Provider Preferences

If EPA hires a PAS provider who will be assigned to a single individual, and if that individual prefers a particular provider (e.g., because the provider has worked with him or her in the past), EPA will give consideration to the employee's choice to the extent permitted by law. A different provider may be chosen if, for example, the individual's preferred provider is not qualified or less qualified than another applicant, if EPA decides to utilize a pool of shared

providers instead of dedicated providers, for reasons of cost or convenience, or if EPA decides to have appropriate existing employees provide PAS, again, for reasons of cost or convenience.

Other PAS Provider Considerations

PAS providers hired as employees may also perform non-PAS duties as assigned, but only to the extent that doing so does not result in failure to provide required PAS in a timely manner.

PAS DURING WORK-RELATED TRAVEL

EPA will provide PAS for eligible employees (refer to [“Who can request PAS?”](#)) on official travel and/or local travel as needed.

Official Travel

PAS requests for official travel will be handled in a manner similar to reasonable accommodation requests for official travel. For more information, refer to [“Guide to EPA Travel Related Reasonable Accommodations \(RA\)”](#)⁶.

EPA can provide PAS on official travel in a number of different ways including:

- Authorizing official travel for any EPA employee who regularly provides PAS as part of their official duties;
- Travel by contractor PAS provider as consistent with the contract terms and scope of work;
- Invitational travel orders issued to an individual personally associated with the requesting employee;
- Appointment of an individual personally associated with the requesting employee under 5 U.S.C. § 3102(d);

or any combination of the above.

Local Travel & Transportation

Local Travel & Transportation Between Regular Worksite and Offsite Location

Under circumstances where local travel is authorized by the employee’s supervisor in accordance with local travel procedures in EPA’s Official Travel Policy (Resource Management Directive System 2550B), and if by reason of the employee’s disability the employee is not able to travel by the method of transportation that would otherwise be advantageous to EPA, PAS providers may provide transportation for local travel from the employee’s regular worksite to an offsite location and back to the regular worksite again. In such cases, with Agency authorization, federally employed PAS providers may use a Government Owned Vehicle (GOV)

⁶ <https://intranet.epa.gov/ocfo/finservices/pdfs/travel-related-reasonable-accommodations.pdf>

or, if the PAS is provided by contract, a contractor-furnished vehicle for the transportation as appropriate in accordance with the contract terms and scope of work.

Local Travel Between Home and Offsite Location

Instances when GOV Would Not Normally be Allowable

EPA is not required to provide PAS that fall outside the scope of employment, like commuting. Therefore, except under circumstances where authorization for “home-to-work” transportation by GOV would be approved in accordance with 41 C.F.R. § 102-5, PAS providers may not provide transportation from the employee’s home to the employee’s worksite and/or back to the employee’s home again.

In cases involving travel between home and work where “home-to-work” transportation by GOV would not be authorized, but local travel is authorized -- for example from home directly to an early morning offsite meeting that does not qualify as “field work” under 41 C.F.R. § 102-5.30 – the employee may arrange their own private transportation and submit a local travel voucher for reimbursement, deducting the cost of their regular commute from the voucher.

Instances where GOV Would Normally Be Allowable

Under circumstances where “home-to-work” transportation by GOV would be approved in accordance with 41 C.F.R. Part 102-5 – for example for “field work” under 41 C.F.R. § 102-5.30 – PAS providers may provide transportation from the employee’s home to the employee’s worksite and/or back to the employee’s home again. In such cases, with Agency authorization, federally employed PAS providers may use a GOV or, if PAS are provided by contract, a contractor-furnished vehicle for the transportation, as appropriate in accordance with the contract terms and scope of work.

TELEWORK

EPA is required to provide PAS during telework if the individual is eligible for PAS and is authorized to telework under the organization’s telework policy or as a reasonable accommodation. Permission to telework should not be revoked solely due to an employee’s need for PAS. The determination of whether PAS can be provided to an employee while teleworking will be made on a case-by-case basis. If an employee requests PAS at their telework location, EPA will consider the request as it would any other PAS request.

FUNDING PAS

It is the responsibility of each program and regional office to fund PAS. EPA does not provide centralized funds for PAS costs. EPA may deny a request for PAS if it would impose an undue hardship. Accordingly, prior to denying a request for PAS due to budgetary concerns, an office

should consult with their Senior Resource Official (SRO) to determine the resources that may be available.

CONFIDENTIALITY

The Rehabilitation Act prohibits the disclosure of medical information except in certain limited situations. Generally, information that is otherwise confidential under the Rehabilitation Act, may be shared only with individuals involved in the PAS process who need to know the information to evaluate whether to grant, or deny a PAS request for a specific individual.

REVIEW

This document will be reviewed as needed or if there are any changes in applicable regulations.

The subject matter experts who contributed to the research of PAS, reasonable accommodation, appropriations, acquisition, and travel laws, authorities, regulations, etc. include the Office of Civil Rights, Office of Chief Financial Officer, Office of General Counsel, Office of Mission Support, and Region 1. For further assistance, please contact the National Reasonable Accommodation Program at ReasonableAccommodations@epa.gov.