

Personal Assistance Services (PAS) Procedures

Federal Energy Regulatory Commission

INTRODUCTION

FERC's Equal Employment Opportunity (EEO) Advisor's office is located in the Office of the Executive Director. The EEO Advisor's office develops, manages and directs the Commission's affirmative employment planning; diversity; disability management and discrimination complaint processing programs. This office ensures that employees and applicants for employment are treated without regard to race, color, sex, age, religion, national origin, mental/physical disability, pregnancy, genetic information and sexual preference. This office is also responsible for implementing programs designed to enhance diversity in the hiring and advancement of women, minorities, disabled veterans, and all other disabled individuals

The EEO office provides advice directly to the Executive Director on issues that may rise regarding individuals with disabilities and reasonable accommodations. Additionally, the EEO Advisor's office ensures that the Federal Energy Regulatory Commission (FERC or Commission) adheres to the laws and regulations prohibiting all forms of discrimination in the workplace.

The EEO office is responsible for processing all reasonable accommodations (RA) for all FERC employees, applicants and visitors as required by the law. Accommodations include accessible technology, associated training, sign language interpreters, assistive devices (accommodation solutions), and personal assistance services.

PURPOSE

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 EEO office has developed procedures for obtaining Personal Assistance Services (PAS) for individuals with targeted disabilities; on an as needed basis. 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. It is important that the Commission adheres to the amended regulations, to ensure that we are in full compliance with the law.

The procedures outlined below are to be used when a FERC employee makes a request for PAS. Requests for reasonable accommodation (RA) and PAS can be made simultaneously, but must be processed separately using appropriate procedures.

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PROCEDURES

INITIAL REQUEST

An employee's initial request for PAS can be made verbally or in writing to his or her first-line supervisor or the Disability Program Manager (DPM). If the DPM receives the request directly from the employee, the DPM will immediately inform the employee's first-line supervisor. Additionally, PAS can be requested on behalf of an individual with a targeted disability; by a family member, partner, friend or medical professional.

Requests for PAS must be submitted to the DPM within a practical timeframe; this should be no later than three (3) business days of receipt of the initial request for processing. Requests for PAS, similar to RA, must be documented and included in an individual PAS request file; as are all RA requests.

The DPM will retain all documents related to the requests for PAS. The PAS file will be kept separate from an employee's personnel file and may be kept with an employee's RA file if applicable.

Any information or documentation relating to an individual's request for PAS will be kept confidential and may be shared only with those involved in the PAS process; on a need to know basis.

INTERACTIVE PROCESS

The interactive process is an informal discussion between the requestor, his or her first-line supervisor and the DPM. This discussion will determine whether or not the individual is entitled to receive PAS. The guidelines to receiving PAS is as follows:

- the individual is a FERC employee;
- the individual has a targeted disability;
- the individual requires the services because of his or her targeted disability;
- 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 RA have been provided; and
- providing PAS will not impose an undue burden on the FERC.

In most cases, the targeted disability and need for PAS is recognizable; which should expedite the process of determining whether or not the individual qualifies for PAS. In the case where the targeted disability or the need for PAS is not obvious, the employee's first-line supervisor or the agency's DPM may request medical documentation to support the request.

If the employee is entitled to receive PAS, the interactive process continues to determine the appropriate services needed based on the employee's limitations.

The continual dialogue between all parties is necessary to ensure that the process and the solution is effective for the employee. If a delay occurs while processing the PAS request, the DPM will notify the employee of the reason for the delay. The DPM is responsible for providing updates to the employee as to when the PAS process is expected to be complete.