



March 29, 2019

MEMORADUM TO: All Employees

FROM: Saul Schwartz
Director
Office of Minority and Women Inclusion

SUBJECT: Guidance/Procedures for Providing Personal Assistance Services

This memorandum provides guidance on the proper procedures for requesting and processing requests for Personal Assistance Services (PAS) and providing PAS to FDIC employees with targeted disabilities in accordance with Equal Employment Opportunity Commission (EEOC) regulations.

On January 3, 2017, the EEOC amended the regulations implementing Section 501 of the Rehabilitation Act of 1973, 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. Federal agencies are required by the new regulations to provide PAS to employees who need them because of targeted disabilities. Individuals with “targeted disabilities” are particularly identified by the U.S. Office of Personnel Management as having difficulty finding employment. The purpose of focusing on targeted disabilities is to encourage the hiring, placement, and advancement of individuals with targeted disabilities in affirmative action planning. The current list of targeted disabilities can be found on [SF 256, Self-Identification of Disability](#).

When appropriate, the FDIC will provide PAS to employees with targeted disabilities. PAS are non-medical assistance with performing activities of daily living, such as assistance with removing and putting on clothing, eating, and using the restroom. These services are needed by individuals whose specific targeted disabilities make it difficult for them to perform such activities on their own. They differ from services that help the individual perform job-related tasks, such as sign language interpreters for individuals who are deaf or readers for individuals who are blind or have learning disabilities, which are already required as reasonable accommodations.

In addition to reasonable accommodations that may be needed, the FDIC will provide an employee with a targeted disability with PAS during work hours and job-related travel if:

1. The employee requires such services because of a targeted disability;
2. Provision of such services would, together with any reasonable accommodation, enable the employee to perform the essential functions of his or her position; and

3. Provision of such services would not impose undue hardship on the FDIC.

In providing PAS, the FDIC:

1. Will ensure that PAS are performed by qualified personal assistance service providers, employees, or independent contractors whose primary job functions include provision of PAS;
2. May require PAS providers to provide PAS to more than one individual;
3. May require PAS providers to perform tasks unrelated to PAS, but only to the extent that doing so does not result in failure to provide PAS to the individual; and
4. When selecting someone who will provide PAS to a single individual, give primary consideration to the individual's preferences to the extent permitted by law. However, it may not be possible to honor the individual's preferences in all circumstances.

While they are not requests for reasonable accommodation, requests for PAS will be processed under the same procedures and delegated authority used for processing requests for reasonable accommodation, as described in FDIC Circular [2710.5, Reasonable Accommodation Program](#).