



DEPARTMENT OF THE NAVY
COMMANDER
NAVAL EDUCATION AND TRAINING COMMAND
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PENSACOLA, FLORIDA 32508-5220

NETCINST 1020.1
N00E
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NETC INSTRUCTION 1020.1

From: Commander, Naval Education and Training Command

Subj: REASONABLE ACCOMMODATION OF INDIVIDUAL WITH A DISABILITY

Ref: (a) DoD Instruction 1020.06 of 17 January 2025
(b) Department of the Navy Program Manual for Reasonable Accommodation of 25 Mar 2022
(c) DoD Instruction 5015.02 of 24 February 2015

1. Purpose. The Rehabilitation Act of 1973 (29 United States Code (USC) 791 et seq.) as amended by the Americans with Disabilities Act of 1990, as amended (42 USC 12101 et seq.) requires the Department of the Navy (DON) to provide reasonable accommodations (RA) to qualified individuals with disabilities (QIWD) who are employees or applicants for employment, unless to do so would impose undue hardship upon the DON. This instruction will promulgate policy, delegate authorities, and assign responsibilities for civilians and military members who supervise civilians within the Naval Education and Training Command (NETC) domain.

2. Policy. Per references (a) and (b), it is the DON's policy to provide RAs to qualified employees and applicants with disabilities. RAs are any modifications or adjustments to a job application process, the work environment, or to the manner or circumstances under which work is customarily performed that enables a QIWD to perform the essential functions of a position, or to enjoy equal benefits and privileges of employment as are enjoyed by similarly situated individuals without a disability. Per the Equal Employment Opportunity (EEO) Commission, with respect to an individual with a disability, an individual is qualified if they satisfy the requisite skill, experience, education, and other job-related requirements of the employment position they hold or desire and, can perform the essential functions of the position with or without a RA. An effective RA policy is an important aspect of the DON's commitment to create employment opportunities for individuals with disabilities.

3. Applicability. This instruction applies to all civilian NETC employees regardless of type and duration of employment, and all applicants for employment. Contractor personnel will refer to the RA procedures established by their contracting employer. NETC domain managers and supervisors will be familiar with, adhere to, and implement the DON RA procedures. Prior to making an offer of employment, the DON hiring authorities will not ask applicants about the existence, nature, or severity of a disability. Applicants may only be asked about their ability to perform essential position functions. An employment offer may be conditioned on the results of a medical examination, but only if the examination is a requirement for all entering employees in the same position category.

4. Background. References (a) and (b) establish policy guidance for the management of the NETC RA Program. The DON policy provides guidelines, procedures, definitions, and responsibilities to standardize the RA operational process across the NETC domain.

5. Processes. NETC will implement the DON RA policy within the Force Development domain by assigning responsibilities and delegating authorities as follows:

a. The following procedures will be followed to facilitate the consideration for employees requesting RAs as outlined in references (a) and (b) for RAs. Reviewing officials are reminded that every request must be reviewed and analyzed, and decisions to approve or decline an accommodation be based on the individual circumstances of the request.

b. It is mandatory for all NETC managers and supervisors to review and receive a certificate of completion for RA training within 90 days of becoming a new manager or supervisor, and annually for current managers and supervisors. RA training can be located on Waypoints for civilian managers or supervisors and Total Workforce Management Services (TWMS) for military managers or supervisors:

(1) Civilian Managers or Supervisors: Waypoints Course "00-DON-The DON Reasonable Accomodation Training" (https://don.csod.com/LMS/catalog/Welcome.aspx?tab_page_id=-67&tab_id=-1)

(2) Military Managers or Supervisors: TWMS Course
"TWMS-591796 Reasonable Accommodation" (<https://twms.dc3n.navy.mil/login.asp>)

c. Initiating the Interactive RA Process. An employee, supervisor, or family member/spouse who wishes to initiate the interactive process to obtain a RA may contact the EEO intake line at (850) 452-4180 which will then initiate the request. The request does not need to contain any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act" and the individual need not have a particular accommodation in mind prior to making a request. Supervisors will acknowledge receipt of all requests for a RA and enter an interactive dialogue process, and coordinate with the NETC RA Coordinator (RAC) to explain the process to the employee promptly.

d. Per reference (b), employees requesting a RA ("requestors") will be provided a written decision from the decision authority on their request for a RA in the shortest time practicable, and in general, no later than 45 calendar days from date of receipt of the initial request. When there is a delay in either processing a request for or providing an RA, the supervisor, in partnership with the RAC, must notify the individual of the reason for the delay in writing, including any extenuating circumstances that justify the delay. All involved parties must participate and utilize due diligence and good faith in the RA interactive process to insure timely processing of RA requests. Request processing timeframes are paused while waiting for requestors or their health professional to provide medical documentation to support the request as outlined in subparagraph 5i.

e. The default decision authority for RA requests is the hiring manager or supervisor of the requestor as detailed in reference (b). NETC commands may determine, and in writing, designate the decision authorities for RA requests within their organization. Decision authorities may be the unit commander or head of the Naval unit (e.g., the EEO officer of the Navy unit as detailed in reference (b)) and hiring managers or supervisors. Commands designation of decision authorities may include detail of what types of RAs will be decided by a designated decision authority (e.g., complex RAs may elevate to unit commander for decision, whereas simple RAs requiring accommodation through provision of equipment or a device

procured via the Department of Defense's (DoD) Computer/Electronic Accommodations Program and the Department of Labor's Job Accommodation Network may remain with the hiring manager or supervisor).

f. If the requestor's supervisor is not the deciding official, the supervisor must promptly submit their recommendation on the requested accommodation to the deciding official to facilitate a decision on whether the requestor is a QIWD and the appropriate accommodation within 45 calendar days of receipt of the request. Applicants can track the status of a request for a RA by contacting the supporting RAC. NETC is working on a digital solution to allow an automated process to submit and track RA requests to allow employees to check on the status of their request through SharePoint. Once established a change to this instruction will be released. In the interim, the NETC RAC will provide a weekly update of the status of all RAs in the domain via an Excel spreadsheet. The weekly update will be provided to the Chief of Staff who will notify the commanding officers (CO).

g. The NETC RAC will retain the RA documentation for the duration of the requester's employment. Supervisors will be proactive in seeking out and considering possible accommodations, to include consulting the command RAC, and other appropriate resources for assistance. Supervisors will notify the command RAC when a request for a RA is processed without assistance. Supervisors will consult with the NETC servicing civilian human resources office to identify the essential functions of the position if they are not readily available.

h. The deciding official or command RAC may also request medical documentation to explain or help determine a RA decision in conjunction with the occupational medical service, and the servicing legal office.

i. In the event a request for supporting medical documentation is made, the timeframe for processing a RA request is adjusted. Time taken by the requestor or medical provider to obtain and gather medical documentation is not counted against the established general timeline to issue a decision on a RA request (e.g., within 45 calendar days of receipt of the request). Specifically, the 45 calendar day time period is paused for the time supporting medical documentation is

requested, and until such documentation is received and determined adequate upon which to base a RA decision.

j. Requestors are required to submit the information necessary for the deciding official to make a determination regarding provision of RA(s) within 10 calendar days of a request or provide an estimated date when they have an appointment to secure such requested medical information.

k. Requestors' failure to timely provide needed information, to include medical documentation, specifics of the accommodation requested, or how the accommodation will enable the employee to perform the essential functions of the position may result in denial of their RA request(s). Decision authorities will annotate any failure to provide necessary information in the RA file and should offer a RA to a requestor determined to be a QIWD based on information previously received when appropriate.

l. Supervisors will ensure any medical documentation or information obtained from an employee is collected and maintained on separate forms in the official employee medical folder and be treated as a confidential medical record.

m. Supervisors will only share the employee's medical information with those responsible for deciding on the RA request and providing advice or processing the accommodation.

n. Supervisors will consider the requestors' preferred accommodation and will select, implement, and thereafter interactively assess the effectiveness of any accommodation that is selected to permit the requestor to perform the essential functions of their position and concurrently meet the mission needs of the command. Supervisors will consult with the RAC and NETC Office of the General Counsel (OGC) for unusual or complex questions and circumstances about requested accommodations.

o. A deciding official is not required to provide the employee's preferred accommodation(s) and may choose among other available RA options if the selected accommodation is expected

to be effective, and result in the requestor being a QIWD (e.g., able to fulfill the essential functions of their position with or without an accommodation).

p. In circumstances where the employee and the supervisor disagree on the most appropriate accommodation, the supervisor will immediately consult with the command RAC for appropriate recommendation to the CO for final decision.

q. Performance standards will not be lowered as an accommodation. The supervisor will hold employees with disabilities to the same standards of performance and conduct as similarly situated employees without disabilities.

r. Removing or requesting removal of an essential function from the position is not a RA.

s. Any proposed decision to deny a RA request, interim or otherwise in full or in part, must be routed to NETC OGC for review and comment prior to being made final. Requestors will be promptly advised, in writing, of a decision to deny their request for a RA.

6. Decisions. Per reference (b), a written decision from the decision authority on a request for accommodation will be provided in the shortest time practicable, and in general, no later than 45 calendar days from date of receipt of the initial request. While prompt processing of RA requests is required, there are circumstances which may result in the 45 calendar day determination period being extended. Timeframes are paused while waiting for requestors or their health professional to provide medical documentation to support the request as outlined above in subparagraph 5i. When there are circumstances present that are expected to delay a decision on a pending request, the employee should be timely advised of the reasons for and estimated length of the delay. All involved parties must participate and utilize due diligence and good faith in the RA interactive process to insure timely processing of RA requests. Reference (a) contains relevant factors that may be assessed to determine whether delay is necessary.

7. Alternative Accommodation. If the RA approved is not the requestor's preferred accommodation, this is an alternative accommodation, not a denial. Written notification of a RA

decision involving an alternative accommodation will explain both the reasons for the modification of the original and requested accommodation and the reasons the alternative accommodation assessed to be equally effective. The interactive process should continue after a decision to provide an alternative accommodation to assess the effectiveness of the provided accommodation.

8. Cost. In general, each respective organization will bear the cost of providing RAs. Organizations may use centrally funded accommodation monies in fiscal years in which the centrally funded account is funded.

Note: Where appropriate, organizations will utilize accommodation resources such as the DoD's Computer/Electronic Accommodations Program and the Department of Labor's Job Accommodation Network.

9. Reassignment or Change to a Lower Grade as a Form of a RA. If it becomes apparent through medical documentation that an accommodation cannot be made in the employee's current position that would permit the employee to fulfill the essential functions of their position with or without accommodation, reassignment as a form of RA will be considered as a last resort. In such circumstances, a search and offer of reassignment to a vacant position for which an employee is qualified, and in which the employee is determined to be able to fulfill the essential elements of the position with or without accommodation, is a required RA.

10. Considerations for Reassignment. Positions appropriate for consideration for reassignment or change to a lower grade will include:

a. All vacant positions at the same grade, or at a lower grade within the DON, in the commuting area or any geographic areas to which the requestor or applicant indicates he or she is willing to move and for which the employee or applicant is qualified.

b. Any planned positions which appropriate officials can reasonably assume will become available over a period of 60 calendar days, for which the employee is qualified, at the same or lower rate of pay.

11. Implementation of Approved RAs. Not all accommodations produce the desired outcome. Supervisors will monitor the effectiveness of any approved RA once it has been provided to ensure the accommodation is effective. If the accommodation proves ineffective, the interactive process begins again.

12. Data Collection and Reporting Requirements

a. Per reference (a), DoD components will maintain data on each RA request. DoD components data collection will at least include:

(1) The specific RA requested, if any.

(2) For job applicants, the job (e.g., occupational series, grade level, and DoD component) held by the requesting employee.

(3) For civilian employees, the job (e.g., occupational series, grade level, and DoD component) held by the requesting employee.

(4) Whether the accommodation was needed to apply for a job, perform the essential functions of the job, or enjoy the benefits and privileges of the job.

(5) Whether the request was granted, an alternative accommodation was granted, or the request was denied.

(6) For requests that were denied, the basis for such denial.

(7) The identity and contact information of the deciding official.

(8) The number of days taken to process the request for RA.

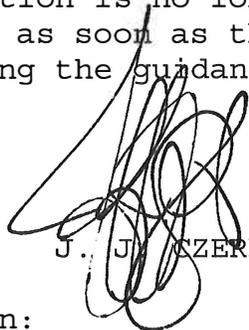
b. DoD components will ensure records and information created per this issuance are retained per reference (c) and DoD component records management disposition schedules, policies, procedures, and authorized retention disposition authorities.

13. Records Management

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned per the records disposition schedules located on the DON Assistant for Administration, Directives and Records Management Division portal page at <https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/Records-and-Information-Management/Approved%20Record%20Schedules/Forms/AllItems.aspx>.

b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact the local records manager.

14. Review and Effective Date. Per OPNAVINST 5215.17A, NETC will review this instruction annually around the anniversary of its issuance date to ensure applicability, currency, and consistency with Federal, DoD, Secretary of the Navy, and Navy policy and statutory authority using OPNAV 5215/40 (Review of Instruction). This instruction will be in effect for 10 years, unless revised or cancelled in the interim, and will be reissued by the 10-year anniversary date if it is still required, unless it meets one of the exceptions in OPNAVINST 5215.17A, paragraph 9. Otherwise, if the instruction is no longer required, it will be processed for cancellation as soon as the need for cancellation is known following the guidance in OPNAV Manual 5215.1 of May 2016.



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Releasability and distribution:

This instruction is cleared for public release and is available electronically on the NETC public web site (www.netc.navy.mil) or by e-mail at netc-directives@us.navy.mil.