



## PROCEDURES FOR PROVIDING PERSONAL ASSISTANCE SERVICES

<b>APPROVAL DATE:</b>	February 16, 2024
<b>VERSION:</b>	2.0

### 1. PURPOSE

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This policy establishes the Access Board’s procedures for providing personal assistance services (PAS) to employees, as required by 29 C.F.R. §1614.203(d)(5), a regulation implementing Section 501 of the Rehabilitation Act of 1973 (Section 501), as amended. 29 U.S.C. § 791. Section 501 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.

### 2. APPLICABILITY

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This policy applies to all Access Board employees, including public Board members, with targeted disabilities who require PAS during work hours or on work-related travel.

### 3. AUTHORITY

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- Section 501 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791.
- 29 C.F.R. § 1614.203
- 29 C.F.R § 1630.2(n) (definition of “essential functions”), and (p) (definition of “undue hardship”)
- [U.S. Equal Employment Opportunity Commission, "Questions and Answers: Federal Agencies' Obligation to Provide Personal Assistance Services Under Section 501 of the Rehabilitation Act"](#)

### 4. DEFINITIONS

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- Employee: means a career employee of the Access board and a public member of the Board who is a Special Government Employee.
- Personal Assistance Services: 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, including, for example, assistance with removing and putting on clothing, eating, and using the restroom. 29 C.F.R. §1614.203(a)(5).

- **Personal Assistance Service Provider:** means an employee or independent contractor whose primary job functions include provision of personal assistance services. 29 C.F.R. §1614.203(a)(5).
- **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, Self-Identification of Disability](#) and 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](#). 29 C.F.R. §1614.203(a)(9). Note, however, that not everyone with a targeted disability will require PAS. Some targeted disabilities for which PAS may be needed include: (1) missing extremities; (2) significant mobility impairment benefitting from utilization of supports (such as a wheelchair or walker); and (3) partial or complete paralysis.
- **Undue Hardship:** means significant difficulty or expense within the meaning of 29 C.F.R. § 1630.2(p). A determination of whether providing PAS constitutes an undue hardship takes into consideration the cost of providing PAS and the impact of providing PAS on the operation of the Access Board.

## 5. POLICY

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- 5.1. General.** It is the policy of the Access Board to provide, in addition to professional services required as a reasonable accommodation, personal assistance services (PAS) during work hours and job-related travel if: (1) the employee requires PAS because of a targeted disability; (2) provision of PAS would, together with any reasonable accommodations required, enable the employee to perform the essential functions of his or her position; and (3) provision of PAS would not impose undue hardship on the agency.
- 5.2. Personal Assistance Service Provider.** PAS must be performed by a personal assistance service provider. A personal assistance service provider may provide PAS to more than one individual and may perform tasks unrelated to PAS as long as doing so does not result in failure to provide PAS in a timely manner.
- 5.3. Procedures.** The process for requesting personal assistance services, the process for determining whether such services are required, and the agency's right to deny such requests when provision of the services would pose an undue hardship, are the same as for reasonable accommodations under the Access Board’s [Reasonable Accommodation Procedures](#), except that the Executive Director will be the decision-maker for any request from an Access Board career employee and the Chair of the Board will be the decision-maker for any request from a public Board member who is a special government employee.

**5.4. Prohibition of Adverse Action.** The Access Board is prohibited from taking any adverse action against job applicants or employees based on their need, or perceived need, for PAS.

## **6. APPROVALS**

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This Personal Assistant Services Policy is effective upon signature by the Director of Administration and the Executive Director, and remains in effect until rescinded, superseded, or reissued.

India Thomas  
Acting Director of Administration

Sachin Pavithran  
Executive Director

## **7. REVISION HISTORY**

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The “Revision History” table below should be used to capture revisions or updates to this Personal Assistant Services Policy. All columns are mandatory.

<b>Date</b>	<b>Revision Summary</b>	<b>Version Number</b>	<b>Author/Owner Name</b>