

UNITED STATES FEDERAL TRADE COMMISSION
Affirmative Employment of Persons with Targeted Disabilities
and Personal Assistance Services Procedures

Chapter 3, Section 305 – Personal Assistance Services

Part I – General Provisions

1. Purpose

This section fulfills the Federal Trade Commission's (FTC)'s affirmative employment obligations that Section 501 of the Rehabilitation Act of 1973 imposes on Federal employers for the hiring, placement, and advancement of individuals with disabilities and providing Personal Assistance Services (PAS) to individuals with targeted disabilities, who need them during work hours. PAS refers to assistance performing the activities of daily living that an individual would typically perform if he or she did not have a targeted disability, and that is not otherwise required as a reasonable accommodation, including, but not limited to, assistance with removing and putting on clothing, eating, and using the restroom (*see also* FTC Policy at Chapter 3, Section 300 – Disability Antidiscrimination Policy and Reasonable Accommodation Procedures). Provision of such assistance are intended to enable FTC employees with targeted disabilities to participate in the workplace.

2. Policy

The FTC's policy is to ensure that its employees will not be subjected to unlawful employment discrimination based on a targeted disability. Accordingly, the FTC takes affirmative action to recruit, hire, develop, and promote employees with targeted disabilities, to the fullest extent possible and ensures that all individuals with targeted disabilities are accorded equal employment opportunities.

3. Authority

Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.);

This policy applies to ~~FTC~~ employees with targeted disabilities. Agency employees include all employees, regardless of appointment type, career status, occupation, or work

schedule (full-time, part-time, or temporary). In the case of PAS, coverage of this policy is limited to individuals who require such services because of a targeted disability.

5. Responsibilities

A. *The Chairman.* The Chairman is responsible for EEO programs at the FTC to include:

- (1) Ensuring that all FTC management officials are held accountable for achieving the purpose of this policy to provide PAS to certain employees who have targeted disabilities

- (5) Collaborating with HCMO to address barriers that affect recruitment, hiring, retention, and promotion of individuals with targeted disabilities and recommending specific remedies to remove such barriers.

C. *The Chief Human Capital Officer (CHCO).* The CHCO is responsible for supervising the administration of the agency's PAS procedures,

assistance to managers, supervisors, and employees regarding PAS requests, and consulting with other agency offices and officials (*i.e.*, the CHCO, EEOVI Director, and Office of the General Counsel), as necessary;

(6) Assisting FTC management officials in evaluating PAS that have been provided to ensure their continued effectiveness;

(7) Re

B. *Essential Functions.*

- (1) An employee must advise a management official that he or she needs assistance to perform basic activities of daily living at work due to a targeted disability, unless the employee's limitations or need for PAS is obvious. Alternatively, the employee may request PAS through the agency's DPM, who will then notify the appropriate supervisory or

- (1) The manager or supervisor must begin this discussion by contacting the employee within **three (3) business days** after the PAS request is received.
- (2) Ongoing communication via the interactive process is particularly critical when the targeted disability, need for PAS, or type of PAS needed, is not obvious or management is considering alternatives to the requested PAS. However, even cases where such information is clear and the need obvious, the management official and the requesting employee should still thoroughly discuss all relevant information.
- (3) Managers and supervisors must consider the

documentation received demonstrates that the employee has a targeted disability and whether

- (1) The responsible management official must grant the PAS within **10 business days** of receiving it under the following circumstances: if the

- (2) Managers and supervisors should follow-up with the employee after a request for PAS has been approved to ensure that it meets the employee's needs. In addition, managers and supervisors must evaluate PAS that have been provided, in consultation with the DPM, to ensure that they continue to be effective and necessary.
- (3) A decision to provide PAS that are different from what has been requested must be made in consultation with the DPM and based on legal advice provided by OGC. FTC Form 646, "Denial of Request for Personal Assistance Services," will explain the specific reason(s) for declining the requested PAS and the reason(s) the management official selected the chosen PAS.

request for PAS

include any documentation of the employee's targeted disability, as well as information about the disposition of the employee's PAS request(s).

- (2) The DPM will keep any information or cumulative records used to track the FTC's performance with regard to providing PAS for at least three years. The DPM will use this tracking information to evaluate whether and where the FTC needs to improve its handling of PAS requests. Upon request or in the fulfillment of EEOC requirements, the EEOWI Director will assess the FTC's targeted disability program.

Appendix – Personal Assistance Services Forms

FTC Form 645 – Request for Personal Assistance Services

FTC Form 646 –Denial of Request for Personal Assistance Services