

Employment of Individuals with Disabilities

A. AUTHORITY: The National Security Act of 1947, as amended; Executive Order (EO) 12333, as amended; EO 13548; EO 13164; Intelligence Community Directive (ICD) 110, *Intelligence Community Equal Employment Opportunity and Diversity*; and other applicable provisions of law.

B. PURPOSE: This Intelligence Community Policy Guidance (ICPG) provides guidance to the Intelligence Community (IC) for the employment of individuals with disabilities.

C. APPLICABILITY: This Guidance applies to the IC, as defined by the National Security Act of 1947, as amended, and to such elements of any other department or agency as may be designated an element of the IC by the President, or jointly by the Director of National Intelligence (DNI) and the head of the department or agency concerned.

D. POLICY

1. IC elements shall be model employers for individuals with disabilities.

2. IC elements shall adhere to the applicable provisions of federal equal employment opportunity (EEO) laws and regulations, provide equal opportunity in employment for all persons, and prohibit discrimination on the basis of disability. Equal opportunity in employment includes hiring, placement, and advancement opportunities.

3. IC elements shall provide reasonable accommodations to qualified individuals with a disability who request accommodations, in accordance with the Rehabilitation Act of 1973, as amended (hereinafter, "Rehabilitation Act"), and its implementing regulations, when it does not place an undue hardship on the employer.

a. A disability is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. The Americans with Disabilities Act (ADA) Amendments Act of 2008 construes the statutory term "disability" broadly in favor of expansive coverage to the maximum extent permitted by the terms of the ADA and the Rehabilitation Act. An individual with a disability has, or is regarded as having, a disability or a record (past history) of such an impairment.

b. Qualified, with respect to an individual with a disability, means that the individual satisfies the requisite skill, experience, education, and other job-related requirements of the employment position the individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the position.



c. A reasonable accommodation is a modification or adjustment to a job-related process, the work environment, or the manner or circumstances under which a job is customarily performed that enables a qualified individual with a disability to perform the essential job functions, or to enjoy the benefits and privileges of employment.

d. Undue hardship is a significant difficulty or expense, determined by considering the overall resources of the IC element, impact of the accommodation on the IC element's operations, and the nature and cost of the accommodation. Undue hardship shall be determined on a case-by-case basis.

e. Individuals who are "regarded as" having a disability are protected from discrimination, but are not entitled to reasonable accommodations under the law or this policy.

4. IC elements shall engage in affirmative action for the hiring, placement, and advancement of qualified individuals with disabilities, as required by the Rehabilitation Act and implementing regulations. IC elements shall:

a. Ensure that their affirmative action plan is applicable to the broadest number of job categories.

b. Ensure their element uses a variety of recruitment and outreach strategies designed to increase the number of qualified applicants with disabilities.

c. Ensure individuals with disabilities have access to career development opportunities, including specialized training or mentoring programs, which address career advancement.

d. Create or maintain plans to retain individuals with disabilities. These plans shall include:

- (1) Efforts to analyze workforce separation data to identify barriers to retaining employees with disabilities;
- (2) Efforts to ensure the effective provision of reasonable accommodations, as required by the Rehabilitation Act; and
- (3) Efforts to ensure that facilities are accessible to individuals with disabilities as required by the Architectural Barriers Act of 1968.

e. Provide personal assistance services (PAS) to eligible employees with targeted disabilities, absent undue hardship, in accordance with the Rehabilitation Act. PAS assist with performing activities of daily living that an individual would typically perform if he or she did not have a disability.

5. IC elements shall endeavor to develop, procure, maintain, and use electronic and information technology systems that are accessible to individuals with disabilities, as described in Section 508 of the Rehabilitation Act.

6. IC elements shall, consistent with mission needs and the IC's commitment to a diverse workforce as described in ICD 110, *Intelligence Community Equal Employment Opportunity and Diversity*, endeavor to provide access to and use of information and data to individuals with disabilities that is comparable to the access to and use of such information and data available to individuals without disabilities.

E. ROLES AND RESPONSIBILITIES:

1. The Chief of IC Equal Employment Opportunity and Diversity (IC EEOD) shall:
 - a. Provide leadership, training, and guidance to IC elements on compliance with Section D., as warranted;
 - b. Coordinate, in conjunction with the IC Chief Human Capital Officer, on IC human capital programs and initiatives to promote compliance with EEO authorities and this Guidance; and
 - c. Ensure the sharing of best practices for the employment of individuals with disabilities in the IC.
2. The IC Chief Information Officer (CIO) shall:
 - a. Create standards or guidelines on electronic and information technology accessibility requirements, as necessary; and
 - b. Promote the use of standard assistive technology to implement Section 508 of the Rehabilitation Act.
3. IC element heads shall:
 - a. Ensure their element has an affirmative action plan for the hiring, placement, and advancement of individuals with disabilities, and provide this plan to the Chief of IC EEOD within 180 days of the effective date of this Guidance;
 - b. Establish objectives for increasing the recruitment, hiring, and advancement of persons with disabilities in the workforce and ensure these objectives are communicated adequately to all managers and recruitment officials;
 - c. Ensure all officers involved with the recruitment, hiring, and management of individuals with disabilities receive training to conduct their responsibilities effectively;
 - d. Review their affirmative action plan for the hiring and promotion of individuals with disabilities annually to ensure it adequately assists individuals with disabilities;
 - e. Process requests for reasonable accommodations in a timely manner;
 - f. Share information on assistive technology that is acquired and deployed in compliance with Section 508 of the Rehabilitation Act with other IC elements through their CIO, as warranted;
 - g. Create internal guidelines requiring consideration of accessibility when developing technology solutions for the IC Information Environment; and
 - h. Consistent with mission needs, prioritize procuring and utilizing technology solutions that have accessibility features.

F. EFFECTIVE DATE: This Policy Guidance becomes effective on the date of signature.



 Director of National Intelligence



 Date