

PERSONAL ASSISTANCE SERVICES

Personal Assistance Services (PAS) are services that aid 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 or putting on clothing, eating, and using the restroom during work hours and job-related travel. Other examples of PAS could include pushing a wheelchair or helping an employee get into or out of a vehicle at the worksite.

PAS may be provided to employees with a targeted disability. A targeted disability is a subcategory of disabilities that includes deafness, blindness, missing extremities, partial paralysis, complete paralysis, epilepsy, severe intellectual disability, psychiatric disability, and dwarfism.

STB is required to provide an employee with PAS, provided by a PAS provider (as discussed below), during work hours and job-related travel if:

- (a) The employee requires such services because of a targeted disability;
- (b) The employee will be able to perform the essential functions of the job once PAS and any required reasonable accommodations have been provided; and
- (c) Provision of such services would not impose undue hardship on the STB. The STB is not required to provide PAS to help employees commute to work. The STB is required to provide PAS only when an employee is working or is on work-related travel.

PAS do not help employees with disabilities perform their specific job functions, such as reviewing documents or answering questions that come through a call-in center. PAS differ from services that help an employee to perform job-related tasks, such as sign language interpreters who enable individuals who are deaf to communicate with coworkers, and readers who enable individuals who are blind or have learning disabilities to read printed text. Those services are required as reasonable accommodations, if the individual needs them because of a disability and providing them does not impose undue hardship on the agency.

PAS differ from medical services and services that are typically performed by someone who often has the job title of “personal assistant.” PAS are non-medical services, such as helping an individual take off and put on a coat, eat, and use the restroom.

Selection and Use of PAS Providers

A. Finding PAS Providers

Applicants for PAS provider positions may be found in the same way that applicants for other positions are located—by advertising the opening on USAJOBS and other job posting boards. Additional resources include local vocational rehabilitation offices, American Job Centers, centers for independent living, home care agencies, and the individual who requested PAS. Additionally, some contractors are available through GSA Advantage.

B. Choice of PAS Providers

If the STB hires (or contracts with) a PAS provider who will be assigned to a single employee, and if that employee prefers a provider (for example, because the provider has worked with him or her in the past), the STB must give primary consideration to that choice to the extent permitted by law. However, it may not be possible to honor the employee's preferences in all cases. The STB may choose a different provider if, for example, the employee's preferred provider is not qualified or less qualified than another applicant; if the STB decides to utilize a pool of shared providers instead of dedicated providers; for reasons of cost or convenience; or if the STB decides to have appropriate existing employees provide PAS.

An employee may request permission to bring his or her own PAS provider to work as a reasonable accommodation (not as a PAS) if the employee does not request that the STB assume the cost of providing the services. However, if the employee wants the STB to assume the cost of providing the services, the STB may have reasons to choose a different provider, as discussed above.

C. Terms of PAS Provider Employment

The STB may require PAS providers to provide PAS to more than one employee, as long as each employee entitled to PAS receives PAS in a timely manner. The STB may assign non-PAS job functions to PAS providers, as long as these other duties do not interfere with provision of PAS and all employees who are entitled to PAS continue to receive them in a timely manner. These other duties could include work-related tasks that are required as a reasonable accommodation or work-related tasks that any assistant would provide.

The STB will not require a non-PAS provider employee to provide PAS to another employee.

Requesting PAS

PAS is provided on a case-by-case basis to qualified employees with targeted disabilities.

PAS as a reasonable accommodation may be requested by informing any supervisor in the employee's chain of command that they need assistance with daily life activities because of a targeted disability. PAS requests will be processed in accordance with the procedures in STB Administrative Issuance 5-827, *Procedures for Processing Reasonable Accommodation Requests by Employees and Applicants with Disabilities*. Very personal information, including explicit details related to personal care such as toileting and bathing, is handled in the most discreet manner and is not shared or discussed with the employee's supervisor.

Denial of PAS Request

STB is required to provide PAS only if the requesting employee is entitled to them under the regulations. Therefore, STB may deny a request for PAS if:

- the requester is not an STB employee;
- the requester does not have a targeted disability;
- the targeted disability does not create a need for PAS;
- the requester is not able to perform the essential functions of the job, even with PAS and any reasonable accommodations;
- the requester would create a direct threat to safety on the job, even with PAS and any reasonable accommodations; or
- providing PAS would impose undue hardship on STB.

The process for denying a PAS request is the same as that set forth in STB Administrative Issuance 5-827.

Request for Reconsideration

The reconsideration process for denials of requests for PAS is the same as that set forth in STB Administrative Issuance 5-827 except that “reasonable accommodation” is replaced with PAS and the specific time frames in that section do not apply.