



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

Memorandum

Subject: **ACTION:** Funding of Personal Assistance Services (PAS) as
a Reasonable Accommodation on Official Travel

Date: **MAY 19 2014**

From: Brodi L. Fontenot
Assistant Secretary for Administration

Reply to
Attn. of:

Camille M. Hazeur, Director
Departmental Office of Civil Rights

To: Heads of Operating Administrations
Departmental Officers
Office of the Inspector General
Human Resource Directors

In accordance with 5 U.S.C. § 3102, "Employment of Personal Assistants for Handicapped Employees, Including Blind and Deaf Employees," the U.S. Department of Transportation (DOT), in its discretion, may authorize the payment of salary and other necessary expenses for a personal assistant (PA) who accompanies a qualifying employee with a disability on official travel as a reasonable accommodation. Consistent with § 3102, 41 Code of Federal Regulation Part 301-13, "Travel of an Employee with Special Needs," authorizes the payment of additional travel expenses deemed necessary by an agency to accommodate an employee with a special need, including, but not limited to (§ 301-13.3a) transportation and per diem expenses incurred by a family member or other attendant who must travel with the employee to make the trip possible and (§ 301-13.3g) services of an attendant, when necessary, to accommodate the employee's special need.

Each request for payment of a PA's salary and other travel expenses involves a factual inquiry to be conducted on a case-by-case basis as for any other reasonable accommodation request. Pursuant to DOT Order 1011.1, "Procedures for Processing Reasonable Accommodation Requests by DOT Applicants and Employees," the determination of agency payment of a salary to a PA who accompanies an employee with a disability on official travel will be made by the employee's first-line supervisor who should consult with his or her respective legal office, Departmental Office of Civil Rights (DOCR), and the Disability Resource Center (DRC) as needed in making this determination.

While payment of a salary to a PA accompanying an employee on official travel will not be appropriate in every instance, the agency should remain flexible and responsive to the needs of the employee. The employee's own estimation of his or her level of need for services

should be given primary consideration in deciding how to provide and fund these services. The first-line supervisor and others involved in the process should be sensitive to the personal nature of the care an individual might need. The employee should not be required to disclose personal details in specific terms, except where determining a specific disability is necessary because the particular disability is not readily apparent. For example, if an employee with an obvious physical impairment states that his or her own PA is needed because that person is trained to perform the necessary personal care, the inquiry should end. No details on the type of personal care are necessary in this instance, and in the rare case they would be, DOCR or your respective legal office should be consulted for guidance on how such information should be properly requested and maintained.

The DRC will continue to be responsible for payment of Personal Assistance Services (PAS) obtained under the current contract for such services. Should an employee be authorized to use his or her own PA on official travel, DRC will reimburse the PA directly for per diem and incidental expenses. The DRC will pay for tickets booked through the government travel system and billed to the central account. The PA's salary will be the responsibility of the employee's office. Payment of a salary may not be appropriate in all instances and may be appropriate for all or only a portion of the travel. Factors that should be considered in determining whether to authorize payment of a salary to an employee's own PA include:

1. The nature of the employee's disability and need for personal care-related services in addition to job-related services while on travel. While an employee may not require personal care-related assistance in the workplace, such assistance may be necessary for an employee on travel. For example, PAS on official travel may include a combination of job-related and personal care-related tasks such as carrying luggage and work materials, helping navigate in unfamiliar cities, and providing personal attendant care (i.e. eating, drinking, toileting, etc.).
2. The frequency, duration, and type of tasks to be performed by the PA.

Payment may be made directly to the PA or as a reimbursement to the employee. General Services Administration has advised that it is appropriate to use the government travel system for this type of payment (by adding special lines of accounting in the system and other information). Alternatively, another mechanism such as a credit card may be used for administrative ease. The rate of pay may be based upon the DRC PAS contract, the average contract rate of pay for PAS in the travel duty location, or another method for determining reasonable and customary costs which the employee's Operating Administration (OA) elects to use. The OA must ensure that its processes are in compliance with applicable regulations concerning financial management, procurement, travel, reasonable accommodations, and documentation/records management.