



TITLE: DISABILITY DOCUMENTATION REQUIREMENTS – PEOPLE WITH SIGNIFICANT DISABILITIES

1. PURPOSE.

This document prescribes the U.S. AbilityOne Commission (Commission) policy governing disability documentation requirements for people with significant disabilities working for nonprofit agencies (NPAs) participating in the AbilityOne Program.

2. APPLICABILITY.

This policy applies to the Commission, designated Central Nonprofit Agencies (CNAs), and NPAs qualified to participate in the AbilityOne Program.

3. AUTHORITY.

- (a) 41 U.S.C. §§ 8501 – 8506, Javits-Wagner-O’Day (JWOD) Act
- (b) 41 CFR Chapter 51, Committee for Purchase from People Who Are Blind or Severely Disabled

4. DEFINITIONS AND ACRONYMS.

Definitions, abbreviations, and acronyms frequently used throughout this policy system are provided in Policy 51.102, Definitions.

5. RESPONSIBILITIES.

- (a) The Commission:
 - i. Provides guidance and education to NPAs and CNAs regarding all required medical and/or psychological documentation of significant disability and provides an Individual Employment Evaluation (IEE) form to further support such documentation (instructions will be included with the form).
 - ii. Conducts inspections that include examining all or random samplings of participating NPAs’ employee files for individuals working on AbilityOne and non-AbilityOne projects. Sampling methodology will follow the guidance provided in Commission Policy 51.404, On-site Compliance Reviews.
 - iii. Ensures that corrective actions are completed by NPAs that are found to have inadequate disability documentation.
 - iv. Provides guidance, education and training in understanding medical documentation requirements to CNAs and NPAs.
- (b) The CNAs support the Commission in accordance with their Cooperative Agreements, mainly by:
 - i. Ensuring that the NPAs they represent are aware of all required medical and/or psychological documentation for direct labor employees with significant disabilities,



U.S. ABILITYONE COMMISSION

51.408 – Disability Documentation Requirements – Persons with Significant Disabilities

through communication, supporting reference documents, and training.

- ii. Evaluating and providing regulatory assistance to the NPAs they represent regarding disability documentation requirements of the AbilityOne Program.
- iii. Ensuring that corrective actions are satisfactorily completed by the NPAs they represent and providing the Commission with timely reports of the results.

(c) NPAs:

- i. Review guidance and education to achieve an understanding of the Commission's disability documentation requirements and maintain a file with all required documents for each direct labor employee in the NPA.
- ii. Ensure all direct labor employee files are available and able to be presented to Commission compliance inspectors or CNA regulatory assistance staff upon request:
 - a. Files shall include, but are not limited to, any NPA files for temporary employees and employees working in enclaves, on mobile crews, on State Use contracts, and on commercial contracts, as well as on AbilityOne contracts.
 - b. Provide a list of all employees by name that shows which individuals are tracked as direct or indirect labor, disabled or non-disabled labor, and AbilityOne or non-AbilityOne status, upon request.
 - c. Describe for the inspector or reviewer how the files are maintained, and by whom.
- iii. Conduct recommended quality audits of their documentation semi-annually for quality assurance.
- iv. Complete corrective action for inadequate or deficient documentation within the time frame provided by the Commission or CNA following any inspections or reviews, respectively.
- v. Participate in all required education and training opportunities provided by the CNA or the Commission.

6. POLICY.

- (a) NPAs qualified to participate in the AbilityOne Program shall maintain the highest level of integrity in complying with the Commission's regulation at 41 C.F.R. 4.3(c) regarding the disability documentation of direct labor employees.
- (b) Each NPA employing persons with significant disabilities participating in the AbilityOne Program shall maintain in each individual with a significant disability's file, one of the following:
 - i. A written report, on letterhead or otherwise identifying the professional and the practice, signed and dated by a licensed physician, psychiatrist, psychologist, or other appropriate medical professional not affiliated with the NPA, who is qualified to make a diagnosis of the individual's disabling condition(s), which reflects the nature and extent of the disabling condition(s), or
 - ii. Certification of the disability or disabilities by a Federal, State or local governmental entity, on letterhead or an official form, signed and dated.

U.S. ABILITYONE COMMISSION

51.408 – Disability Documentation Requirements – Persons with Significant Disabilities

- (c) Each NPA employing persons with significant disabilities participating in the AbilityOne Program shall maintain in each individual with a significant disability's file the annual Individual Employment Evaluation (IEE) forms:
- i. The IEE shall be prepared and signed by a person or persons qualified by training and experience to evaluate the work potential, interests, aptitudes, and abilities of persons with disabilities and shall normally consist of preadmission evaluations and reevaluations prepared at least annually.
 - ii. The IEE shall state whether that individual has engaged or is engaging in competitive employment and shall document the individual's functional limitation(s) that result in barriers to competitive employment, along with the supports and accommodations provided to the individual by the NPA.
 - iii. The files of individuals who have worked for the NPA for less than two years shall contain the initial IEE and, where appropriate, the annual IEE. The files of individuals who worked for the NPA for two or more years shall contain, as a minimum, the initial IEE and the most recent annual IEEs.
 - iv. The NPA shall retain an employee's IEE documentation for at least the two most recent annual evaluation periods. The Commission encourages NPAs to maintain IEEs in employees' files up to six years, to show the employee's progression.

7. EXCEPTION TO POLICY.

None.

8. PROCEDURES.

None.

9. SUPERSESION.

This Policy supersedes the Commission Compliance Manual dated June 29, 2007.

APPROVED: _____



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