



DEPARTMENT OF THE ARMY

OFFICE OF ARMY CEMETERIES
ARLINGTON NATIONAL CEMETERY
ARLINGTON, VIRGINIA 22211-5003

SAAC-EEO

15 AUG 2019

MEMORANDUM FOR All Office of Army Cemeteries and Arlington National Cemetery Personnel

SUBJECT: Policy on Accommodating Individuals with Disabilities as it relates to Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794)

1. References:

- a. Rehabilitation Act of 1973, as amended (29 U.S.C. 794).
- b. DODI 1020.dd-V2 (Unlawful Discrimination: On the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance From or Conducted by the DoD).
- c. AR 690-12 (Equal Employment Opportunity and Diversity), 22 December, 2016.

2. Purpose: To establish equal access requirements for people with disabilities to programs, services, and activities, specifically the functions and activities comprising Office of Army Cemeteries (OAC) and Arlington National Cemetery (ANC), (memorial services, tours, or other ceremonies held on or in OAC/ANC property).

3. Applicability: This policy applies to all OAC/ANC Soldiers, Civilians, and Contractors.

4. Policy:

a. OAC/ANC is committed to serving all individuals equally. This commitment extends to individuals with disabilities. It is our policy, in accordance with Sections 501 and 504 of the Rehabilitation Act of 1973, as amended, that no qualified individual with a disability shall be denied participation in, or benefit of, any program conducted by OAC/ANC including employment.

b. Section 504 mandates that, "No qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under any program or activity that either receives Federal financial assistance or is conducted by any Executive agency." Section 504 requires that both Federal agencies and those receiving Federal assistance ensure that their programs are usable and accessible to persons with disabilities, including making changes to policies, practices, procedures, and structures as a reasonable accommodation for individuals with

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disabilities unless doing so would require a fundamental alteration of the program or constitute an undue financial and administrative burden. In addition, Section 504 requires effective communication with people who have communication disabilities including hearing, vision, or cognitive disabilities.

c. To be protected by Section 504, one must have a disability. An individual with disability is defined by Section 504 as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

d. Section 504 doesn't necessarily involve an employment relationship. Individuals requesting accommodation are often members of the general public participating in an OAC/ANC program or activity.

e. To comply with Federal law, those involved with the general public should understand the concepts of accessibility and nondiscrimination. Following are key nondiscrimination concepts applicable under those Federal laws and examples of how these concepts apply.

(1) **Self-Determination.** People with disabilities are the most knowledgeable about their own needs. Whenever choices are available, people with disabilities have the right to choose what type of services they require, and who will provide them.

(2) **No "One Size Fits All".** People with disabilities do not all require the same assistance and do not all have the same needs. Many different types of disabilities affect people in different ways.

(3) **Equal Opportunity.** People with disabilities must have the same opportunities to benefit from programs, services, and activities as people without disabilities. Services and programs should be designed to provide equivalent choices for people with disabilities as they do for individuals without disabilities.

(4) **Inclusion.** People with disabilities have the right to participate in and receive the benefits of programs, services, and activities provided by governments, private businesses, and nonprofit organizations. Inclusion of people with various types of disabilities in planning, training, and evaluation of programs and services will ensure that this population is given appropriate consideration.

(5) **Equal Access.** People with disabilities must be able to access and benefit from programs, services, and activities equal to the general population.

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(6) **Effective Communication.** People with disabilities must be given information comparable in content and detail to that given to the general public, as well as accessible, understandable, and timely. Auxiliary aids and services may be needed to ensure effective communication. These may include pen and paper or sign language interpreters through on-site or video interpreting for individuals who are deaf, deaf-blind, hard of hearing or have speech impairments. Individuals who are blind, deaf-blind, have low vision, or have cognitive disabilities may need large print information or people to assist with reading and filling out forms.

(7) **Program Modifications.** People with disabilities must have equal access to programs and services, which may entail modifications to rules, policies, practices, and procedures.

(8) **No Charge.** People with disabilities may not be charged to cover the costs of measures necessary to ensure equal access and nondiscriminatory treatment. Examples of accommodations provided without charge to the individual may include a sign language interpreter, a message board, assistance in completing forms, or documents in Braille, large print, etc.

f. At OAC/ANC, we are firmly committed to finding solutions to the challenges presented by our historic grounds and to removing barriers that are presented to our visitors. It is our policy in accordance with Federal law to ensure that the Civil Rights of all persons receiving services or benefits from agency programs and activities are protected. No person will, on the grounds of race, color, national origin, sex, religion, nationality, age, disability, limited English proficiency, or economic status, be denied the benefits of, be deprived of participation in, or be discriminated against in any program or activity conducted by OAC/ANC. In particular, all personnel shall perform their work in an equitable and impartial manner without discrimination. In accordance with Federal law, OAC/ANC prohibits such discrimination in any programmatic guidelines, procedures, or other directives. All complaints alleging violations of Section 504 of the Rehabilitation Act will be investigated promptly.

5. Proponent: The proponent for this policy is the EEO Office, (703) 545-7595.



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Executive Director