



**PER DIEM, TRAVEL AND TRANSPORTATION ALLOWANCE COMMITTEE  
A DIVISION OF THE DEFENSE TRAVEL MANAGEMENT OFFICE (DTMO)**

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PDTATAC/hm

27 March 2009

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CTD for CAP 06-09(E) – ADA Amendments Act of 2008

1. **SYNOPSIS:** Adds ADA Amendments Act of 2008 changes enacted under Public Law 110-325 to Chapter 7 (Part J) of the JTR (Vol. 2) effective 1 January 2009. Several references in Part J are updated or removed per the OSD General Counsel recommendation.
2. These changes are scheduled to appear in JTR change number 524 dated 1 June 2009.
3. This determination is *effective on 1 January 2009*.

*//approved//*

**W. B. Tirrell, Sr.**

PDTATAC Division Head

Attachment: JTR Changes

**Civilian E-Mail Distribution:**

CAP Members T&T Branch PMO-DTS GSA-3FT GSA-OGP(MTT) DTMO CBCA Judges

## JTR Changes

### Par. C7450 revised:

#### C7450 POLICY, APPLICABILITY, AND GENERAL RULES (FTR §301-70.400)

A. Policy. IAW the Rehabilitation Act of 1973, as amended, 29 USC §701 et seq., and 5 USC §3102 as amended, these provisions accommodate an employee with a disability/special need by reimbursing necessary additional travel and transportation expenses incurred in the performance of official travel. ***NOTE: An employee with a special need is treated the same as is an employee with a disability.***

B. Applicability (FTR § 302-4.100 and §301-13.1). This Part applies to a/an:

1. Employee with a disability, as defined in par. C7455, incident to TDY or a PCS (59 Comp. Gen. 461 (1980)). The decision is available at: <http://141.116.74.201/regs/comp-gen-dec/B-198237.txt>, and
2. Eligible dependent with a disability traveling ICW a PCS per the Agency's determination.
3. Tuition-free DODEA dependent student with a disability IAW par. C5123.

C. General Rule. Payment is authorized for additional travel expenses in par. C7460 that are incurred by an employee or eligible dependent with a disability/special need in the performance of official travel.

### Par. C7455 revised:

#### C7455 DEFINITIONS

The terms below are defined for this Part.

A. Employee with a Disability. An "employee with a disability" defined in pars. C7455-B and C7455-E otherwise is covered under the Rehabilitation Act of 1973, as amended, 29 USC §701 et seq. See par. C7455-H for definition of "employee with a special need".

B. Disability. A "disability" means:

1. Having a physical/mental impairment that substantially limits one or more major life **activities**;
2. Having a record of such an impairment; or
3. Regarded as having such an impairment but must not be applied to transitory or minor impairments. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

C. Physical/Mental Impairment. "Physical/mental impairment" means:

1. Any physiological disorder/condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems; neurological, musculo-skeletal special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or
2. Any mental/psychological disorder, such as mental retardation, organic brain syndrome, emotional/mental illness, and specific learning disabilities.
3. "Physical/mental impairment" also includes such diseases and conditions as cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness,

orthopedic, visual, speech, and hearing impairments, and similar diseases and conditions.

D. Major Life Activities. In general, major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

E. Substantially Limits. “Substantially limits” means that the employee is:

1. Unable to perform a major life activity that the average person in the general population can perform; or
2. Significantly restricted as to the condition, manner, or duration under which the employee can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.

F. Has a Record of Such an Impairment. “Has a record of such an impairment” means the employee has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.

G. Is Regarded as Having Such an Impairment. The employee:

1. Has a physical/mental impairment that does not substantially limit major life activities but the impairment is treated by the agency as constituting such a limitation;
2. Has a physical/mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
3. Has none of the impairments defined in par. C7455-C but is treated by the employing agency as having a substantially limiting impairment.

H. Employee with a Special Need. An “employee with a special need” means having physical characteristics of an employee not necessarily defined under disability. Such physical characteristics could include the weight/height of the traveler, or a similar characteristic.

## **Par. C7460 revised:**

### **C7460 ALLOWABLE EXPENSES**

The following expenses are allowable additional travel and transportation expenses payable to an employee with a disability/special need when appropriate IAW Agency/Service regulations:

1. Transportation and per diem authorized under this Part incurred by an attendant accompanying the employee, whether the attendant is or is not a member of the employee's immediate family, when the employee requires the assistance of an attendant;
2. Specialized transportation for the employee to, from, and/or at the TDY location;
3. Specialized services provided by a commercial carrier necessary to accommodate the employee's disability/special need;
4. Costs incurred as a direct result of the employee's disability/special need for baggage handling ICW public transportation or at lodging facilities, see JFTR/JTR, APP G, Baggage Expenses and Handling Tips;
5. Renting and/or transporting specialized assistance equipment, such as a wheelchair, needed in transit or at the TDY location; and

6. Premium-class accommodations when necessary to accommodate a traveler with a disability/special need per the Agency/Services' premium-class travel policy. See par. C2000-A2c and APP P, Part II, Section C, FAQ #2 for medical justification of premium-class accommodation use.

7. Service of an attendant, when necessary, to accommodate the employee's disability/special need. See JFTR/JTR, APP E (Part I), par. A2l if the attendant traveler is not an employee or member.

**Par. C7465 revised:**

**C7465 EMPLOYMENT OF PERSONAL ASSISTANTS FOR EMPLOYEES WITH A DISABILITY/  
SPECIAL NEED**

5 USC §3102, authorizes the hiring, with or without pay, of personal assistants, as well as readers and interpreters, for an employee who is disabled or who has a special need while the employee travels on official business, for all or a portion of the travel period involved. Travel expenses and per diem allowances for such personal assistants are the same as those for employees traveling incident to TDY. Further guidance is available at:

<http://www.opm.gov/hrd/lead/pubs/handbook/lrbsa6.asp> .