# Section 508 Policy

# Table of Contents

# 1. Background

Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794d), requires that when Federal government agencies develop, procure, use, or maintain information and communication technology (ICT), it must be accessible to persons with disabilities (that is, it must provide substantially equivalent access to that provided to persons without disabilities). The standards apply to ICT (previously referred to as "electronic and information technology," or EIT) that can be accessed by the public and employees with disabilities.

Section 508 covers technology procured by a Federal agency under contract with a private entity or produced within the agency itself. It applies to all ICT, including software, web sites, web applications, and hardware applications such as computers, peripherals, and other types of electronic office equipment. As noted in Executive Order 14035, "[b]ecause a workforce that includes people with disabilities is a stronger and more effective workforce, agencies must provide an equitable, accessible, and inclusive environment for employees with disabilities."

# 2. Purpose

The purpose of this document is to update the U.S. Office of Personnel Management's (OPM) *Section 508 Policy.* The Section 508 Standards established by the Architectural and Transportation Barriers Compliance Board (Access Board) were revised in 2017. The revised Section 508 Standards took effect on January 18, 2018. OPM's *Section 508 Policy* incorporates the revisions to the Section 508 Standards. OPM will implement or expand its responsibilities within this revised policy under the authority and guidance of the Section 508 Working Group established by Director Kiran Ahuja on September 21, 2021.

Misrepresentation of ICT accessibility or failure to provide ICT products or services that meet the specified level of conformance puts the agency at risk of legal action and denies those who require substantially equivalent access and use.

# 3. Delegations and Authorities

OPM is required to manage its Section 508 program to ensure compliance with 29 U.S.C. § 794d(a)(1), which requires that Federal employees with disabilities and members of the public with disabilities have access to and use of ICT that is substantially equivalent to the access and use available to those without disabilities. Under OPM's Reservations and Delegations of Administrative Authority, the Director of OPM will delegate responsibility for Section 508 matters across the following agency offices:[1]

1. Chief Management Officer (CMO) for executive oversight of the Section 508 Advisory Board, advocating for resources as needed, and monitoring Policy compliance.

2. Office of the Chief Information Officer (OCIO) for planning, operation, and management of OPM's software, hardware, and system matters needed to enable the agency to meet its Section 508 obligations.

3. Office of Communications (OC) for Section 508 program management, technical guidance, training, and education to support program office efforts to properly implement Section 508 requirements, monitoring and approving Section 508 conformant electronic publications and web postings.

4. Office of Procurement Operations (OPO) for confirming product or service requirements that address ICT accessibility have been included in acquisition planning prior to soliciting proposals or quotations.

Authorities include:

- Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794d).

---

[1] The RDAA shall be updated as soon as practical after this policy is approved.

- Information and Communication Technology Accessibility Standards and Guidelines, 36 CFR Part 1194 (2018).

- Web Content Accessibility Guidelines (WCAG) 2.0, incorporated by reference in the Section 508 Standards.

- Federal Acquisitions Regulation (FAR) Subpart 39.2.

- Federal Information Technology Acquisition Reform Act (FITARA), Public Law 113-291, div. A, tit. VIII, Subtitle D, 128 Stat. 3292, 3438-50 (2014).

- Memorandum for Associate Directors and Office Heads from the OPM Chief Information Officer and Senior Procurement Executive, Information Technology Contract Clauses (June 17, 2017) and OPM's Information Technology Contract Clauses (December 2015)

- Memorandum for Associate Directors and Offices Heads from the OPM Chief Information Officer, IT Acquisition Review Policy #CIO-ITINV-17-01 (February 14, 2017) and OPM's FITARA Acquisition Review Checklist.

- Office of Management and Budget (OMB) Memorandum M-17-06, Policies for Federal Agency Public Websites and Digital Services (2017).

- OMB Circular A-123, Appendix B, [A Risk Management Framework for Government Charge Card Programs](#) (2019).

- OMB Circular A-130, Managing Information as a Strategic Resource (2016).

- OMB Strategic Plan for Improving Management of Section 508 of the Rehabilitation Act (2013).

- OMB Memorandum, Improving the Accessibility of Government Information (2010).

- OMB Memorandum M-16-20, Category Management Policy 16-3: Improving the Acquisition and Management of Common Information Technology: Mobile Devices and Services (2016).

This *Section 508 Policy* also aligns to the recommendations of the Federal Chief Information Officers Council's Accessibility Community of Practice and of the U.S. General Services Administration (GSA).

# 4. Scope

Section 508 applies to ICT that OPM develops, procures, maintains, and uses, such as electronic content, hardware, software, and supporting documentation and services.

This *Section 508 Policy* applies to all ICT developed, procured, funded, maintained, or used by OPM. This *Section 508 Policy* applies to all OPM internal, electronic content and communications and external, electronic content that is shared with other agencies or available publicly as well as OPM software, hardware, and other electronic equipment.

This *Section 508 Policy* does not apply to an OPM contractor's own internal workplace ICT but does apply to any final ICT product identified within the procurement request package.

This *Section 508 Policy* supersedes previous versions of OPM Section 508 policies. This *Section 508 Policy* does not supersede any other applicable laws or conflicting terms of an existing labor-management agreement in effect as of the effective date of this *Section 508 Policy*.

# 5. Applicability

OPM ICT must allow access to and use of information and data to employees, applicants, and members of the public with disabilities that is substantially equivalent to the access and use of individuals without

disabilities.  The functionality of ICT must be accessible either directly or by supporting the use of assistive technology.

All employees have ICT accessibility responsibilities.  For the purposes of this policy, "employees" includes all career OPM employees, political appointees, interns, U.S.  Government personnel detailed or assigned to OPM, contractors, and any other personnel who perform work for or on behalf of the agency.

## 5.1. Electronic Content

In Appendix A of 36 CFR 1194, 508 Chapter 2 (E205), the Access Board establishes that electronic content must conform to the Section 508 Standards in subchapter E205 (E205.1).  The regulation further identifies specific subcategories within this general obligation: public-facing and agency official communication:

1.  Public facing: all content that OPM makes available to members of the general public[2] on or after January 18, 2018, must conform to the Section 508 Standards (E205.2).

2.  Agency official communication: electronic content that is (1) not public facing but (2) constitutes official business; (3) is used for agency official communications on or after January 18, 2018; and (4) is communicated through one or more of the following must also conform to the Section 508 Standards (E205.3):

    a.  An emergency notification.

    b.  An initial or final decision adjudicating an administrative claim or proceeding.

---

[2] "Public Facing.  Content made available by an agency to members of the general public.  Examples include, but are not limited to, an agency Web site, blog post, or social media pages" (E103.4).

c.  An internal or external program or policy announcement.

d.  A notice of benefits, program eligibility, employment opportunity, or personnel action.

e.  A formal acknowledgement of receipt.

f.  A survey [or] questionnaire.

g.  A template or form.

h.  Educational or training materials.

i.  Intranet content designed as a Web page.

Electronic content that is covered by the Section 508 Standards currently must conform to the Level A and Level AA Success Criteria and Conformance Requirements in the Web Content Accessibility Guidelines (WCAG) 2.0 (E205.4).  As the criteria for conformance are updated, those changes are presumed to be incorporated within this Section 508 Policy.

WCAG 2.0 was designed for the Web, but the Section 508 Standards apply WCAG 2.0 to electronic content more generally.  As such, the terms "Web page," "page," and "on a Web page" are changed to "document" and "in a document."

## 5.2. Hardware and Software

Where the other requirements in the Section 508 Standards do not address one or more functions of the hardware or software, the functions that are not specifically addressed must still be Section 508 conformant.  Specifically, the functions that are not specifically addressed must conform to the Functional Performance Criteria in 36 CFR part 1194, Appendix C, Chapter 3. For example, the first criterion is "Without Vision.  Where a visual mode of operation is provided, ICT shall provide at least one mode of operation that does not require user vision." Similar criteria exist for individuals:

- With limited vision.

- Without perception of color.

- Without hearing.

- With limited hearing.

- Without speech.

- With limited manipulation.

- With limited reach and strength.

- With limited language, cognitive, and learning abilities.

### 5.2.1. Hardware

See Chapter 4 of 36 CFR part 1194, Appendix C for the technical details of the Section 508 Standards that apply to hardware.

### 5.2.2. Software

Chapter 2, E207, requires user interface components (software), as well as, the content of platforms and applications to conform to the Level A and Level AA Success Criteria and Conformance Requirements in WCAG 2.0.

See Chapter 5 of 36 CFR part 1194, Appendix C for the technical details of the Section 508 Standards that apply to software.  These include requirements for interoperability with assistive technology (502) and specific requirements for authoring tools (504.2): except when used to directly edit plain text source code, authoring tools must provide a mode of operation to create or edit content that conforms to Levels A and AA of WCAG 2.0 for all supported features.  The technical details in 504.2 address, for example, PDF export and templates.

## 5.3. Support Documentation and Services

Generally, OPM must:

1.  Provide documentation on accessibility and compatibility features.

2.  Make electronic documentation (such as help screens and manuals) accessible.

3.  Provide alternate formats when the documentation is in analog form.

4.  Make ICT support services accessible and accommodating of the communication needs of individuals with disabilities.

See Chapter 6 of 36 CFR part 1194, Appendix C for the technical details.

## 5.4. Exceptions and Exemptions

The Section 508 Standards list some exceptions to the requirements for ICT under these standards.  Specifically, the following are not required to conform to the Revised 508 Standards:

1.  Legacy ICT (also known as the safe harbor provision) which applies to "any component or portion of existing ICT that complies with" the Original 508 Standards "and that has not been altered on or after January 18, 2018." (E202.2)

2.  ICT operated by agencies as part of a national security system, as defined by 40 U.S.C.  11103(a).  (E202.3)

3.  ICT acquired by a contractor incidental to a contract.  (E202.4)

4.  Status indicators and operable parts of ICT located in spaces frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment.  (E202.5)

5.  In addition to the exceptions, the Section 508 Standards provide for three more exemptions: undue burden (E202.6.1), fundamental alteration (E202.6.2), and "best meets" (also known as "commercial non-

availability") (E202.7).  Misuse of these exemptions can result in costly delays and/or lawsuits.  All three exemptions, besides necessitating significant analysis and documentation (E202.6.1, E202.6.2, E202.7.1), require OPM to provide alternative means of access to and use of the information or data to persons with disabilities (E202.6.3, E202.7.2):

a.  The undue burden exemption is applicable only to the specific functions or features of an ICT product that cannot be made accessible without imposing significant difficulty or expense on OPM resources.

b.  The fundamental alteration exemption applies only when conformance to the Section 508 Standards would fundamentally alter the nature of a specific ICT product.

c.  The best meets exemption applies only when no commercially available ICT that meets OPM's business needs conforms fully to the Section 508 Standards.  In these cases, OPM must choose the ICT that best meets the Section 508 Standards from among the available ICT options that are consistent with the business needs.

6.  The Section 508 Standards clarify that assistive technology designed to assist people with one disability does not have to be accessible to people with other disabilities.  (E207)


# 6. Roles and Responsibilities

The *Section 508 Policy* identifies the general roles and responsibilities of key officials and/or staff with duties related to implementing OPM's Section 508 obligations.  The duties, responsibilities, and obligations for additional relevant staff noted in this Chapter will be developed as separate Appendices.

## 6.1. OPM Director

The OPM Director issues decisions regarding requests for exceptions under Section 5.4 of this *Section 508 Policy* and generally has oversight responsibility for IT functions, including enterprise-wide delegation of the following IT functions:

1.  Approval of contracts or other agreements for IT or IT services.

2.  Lifecycle management of agency IT.

3.  Provision of assistive technology and assistive technology support services to employees with disabilities.

## 6.2. Chief Management Officer (CMO)

The OPM Chief Management Officer (CMO) is designated as the lead office for operational implementation and oversight for ICT accessibility by the OPM Director.  The CMO (or designee) generally shall:

1.  Be responsible, in collaboration with the OC, for the oversight and continuous improvement of ICT accessibility as required by Section 508.

2.  Obtain funding and resources for the OPM comprehensive Section 508 program.

3.  Designate, in collaboration with OC, a Section 508 Program Manager (and necessary support staff, as appropriations permit), to manage the daily activities of OPM's Section 508 Program through OC.

4.  Establish an OPM Agency Section 508 Advisory Board and oversee the activities associated with the Advisory Board.

5.  Review the OPM Section 508 Policy.

6.  Be responsible, with assistance from OC, for processing requests for an exception under Section 3.4 of the Section 508 Policy.

7.  Carry out any additional duties and responsibilities as established in Appendix A.

## 6.3. Chief Information Officer (CIO)

The OPM Chief Information Officer (CIO) serves as the lead office for the technical tools and standards used to determine Section 508 conformance. The CIO (or designee) generally shall:

1.  Collaborate with the CMO to obtain funding and resources for the Section 508 technical tools.

2.  Identify and maintain the technical tools required to access Section 508 conformance.

3.  Set the expectation that OPM Section 508 uniform technical standards are applied enterprise wide.

4.  In collaboration with the Senior Procurement Executive (SPE) and CMO, as appropriate, require the incorporation of the Section 508 conformance tool in the procurement of ICT.

5.  Collaborate with program offices to identify the best solutions for implementing and maintaining an enterprise-wide 508 compliance capability.

6.  Carry out any additional duties and responsibilities as established in Appendix B.

## 6.4. Director of the Office of Communications

The Director of the Office of Communications (OC) serves as the lead office for Section 508 program management for ICT accessibility by the OPM Director.  The head of OC (or designee) generally shall:

1. Approve all electronic publications, web postings, and social media postings, including confirming 508 conformance, as applicable, prior to final circulation.

2. Consult with the program offices (as resources permit) in developing and managing content that is Section 508 conformant.

3. Promote and amplify Advisory Board messaging related to the Section 508 Policy as it relates to electronic content.

4. Carry out any additional duties and responsibilities as established in Appendix C.

## 6.5. Executives

All OPM Associate Directors (ADs), Office Heads (OH) and other Executives with program responsibilities (other Executives) are expected to coordinate with the Section 508 Program Manager in support of Section 508 and ICT accessibility within their offices.  The ADs and Heads of Office are expected to confirm (or designate someone to confirm) that the materials produced by their offices are Section 508 conformant before those materials are shared, released, or published.  See Section 6.7, Acquisitions.  The ADs, OHs, and other Executives are encouraged to identify, develop, and implement Section 508 conformant templates for regularly released reports and/or documents to assist each office in addressing accessibility at the start, rather than the end of the drafting process.

ADs, OHs, and other Executives are responsible for working with the Section 508 Program Manager and, as appropriate, CIO, to establish tools and/or standards to identify the needs of users with disabilities when ICT are procured, developed, maintained, or used.  This includes a determination of how users with disabilities will perform the functions supported by the ICT and how the ICT will be configured and maintained to support users with disabilities (E203.2).

ADs, OHs, and other Executives are expected to designate Section 508 Coordinators (and one or more backups) to liaise with the Section 508 Program Manager.  The Section 508 Coordinators will carry out duties and responsibilities as established in Appendix E.

## 6.6. ICT Accessibility Program

### 6.6.1. Section 508 Program Manager

The OPM Section 508 Program Manager is designated by the OPM CMO, in collaboration with OC, and is responsible for managing daily activities of OPM's Section 508 Program.  The Section 508 Program Manager (and support staff as appropriations permit) shall:

1.  Manage OPM's Section 508 program, to include developing and maintaining agency policies, guidelines, controls, procedures, and tools, and disseminating best practices.

2.  Provide consultation to, or participate in, agency capital planning, business case development, and IT governance so Section 508 considerations are appropriately addressed across the IT and acquisition lifecycles.

3.  Monitor and respond as appropriate to inquiries submitted to OPM's Accessibility webpage.

4.  Conduct reviews and audits and work with program offices to verify that corrective action is taken whenever non-conformance is discovered.

5.  Make recommendations to the OPM CMO (or designee) regarding undue burden, fundamental alteration, or best meets exceptions.

6.  Carry out any other duties and responsibilities as established in Appendix D.

### 6.6.2. Section 508 Advisory Board

The Section 508 Advisory Board shall provide guidance and education, as well as administrative, technical, and program assistance, to OPM program offices on ICT accessibility.

The members of the Advisory Board are:

1. Chief Management Officer (or designee) (chair).

2. OPM's Section 508 Program Manager.

3. A representative from OCIO.

4. A representative from OC.

5. A representative from OPO.

6. A representative from HR.

7. Subject matter experts, as needed.

A representative from OGC will serve as advisor to the Advisory Board.

All members of the Section 508 Advisory Board must be Federal employees currently working at OPM.  They may include Federal employees on detail to OPM from another agency during the term of their detail.

### 6.6.3. Section 508 Coordinators

Section 508 Coordinators (and one or more backups) are appointed by their respective Executives to carry out duties and responsibilities as established in Appendix E.

## 6.7. Acquisitions

### 6.7.1. Office of Procurement Operations (OPO)

OPO serves as lead organization within OPM for the acquisition of supplies and services by and for the use of OPM through purchase or lease.  OPO has

a central role in implementing Section 508 requirements as part of acquisition planning, development, and administration.

### 6.7.1.1. Senior Procurement Executive (SPE)

The Director of OPO serves as the SPE for OPM.  The SPE will collaborate with the CIO to confirm that requestors specify needs and develop plans, drawings, work statements, specifications, or other product or service requirements descriptions that address ICT accessibility standards in proposed acquisitions and that the CIO-defined standards are included in requirements planning and incorporated into any ICT that is procured by OPM.  The SPE will work with the CMO, Section 508 Program Manager, and other officials, such as the Director of Human Resources, to effectuate the incorporation of Section 508 requirements into procured ICT of all kinds.

### 6.7.1.2. Head of the Contracting Activity (HCA)

The HCA will confirm that all OPO staff and Contracting Officer's Representatives, receive training on procuring Section 508 conformant ICT products and services.

### 6.7.1.3. Contracting Officers (COs)

COs possess the legal authority to enter into binding contracts on behalf of OPM.  COs are responsible for complying with the FAR 7.105(b)(5)(iv), 11.002(f), and 39.2 by considering the Section 508 Standards in acquisition planning and procurement activities for ICT throughout the acquisition lifecycle.  This generally includes:

1.  In coordination with the Section 508 Program Manager, providing guidance on implementing the ICT accessibility requirements of the FAR.

2.  Verifying inclusion of the needs of current and future users with disabilities, applicable Section 508 accessibility standards, and any ICT accessibility standards that cannot be met due to an exception or an exemption in requirements documents.

3. Identifying Section 508 accessibility standards and any ICT accessibility standards that cannot be met due to an exception or an exemption into acquisition planning documents.

4. Carrying out the duties and responsibilities as established in Appendix F.

### 6.7.1.4. Agency/Organization Program Coordinator (A/OPC)

The A/OPC oversees administration of the OPM's Purchase Card Program in accordance with law, regulation, and policy.  The A/OPC is responsible for ensuring that purchase cardholders and approving officials receive training on the application of Section 508 requirements to micro-purchases.  The A/OPC also is responsible for monitoring compliance with Section 508 as a part of transactions reviews.  (OPM Contracting Policy 13.301, OPM Purchase Card Program – Revision 5)

### 6.7.2. Program Offices

Program office staff are critical participants in the acquisition process.  For micro-purchases, some program staff serve as purchase cardholders or approving officials.  For acquisitions above the micro-purchase threshold, program office staff requisition funding, conduct market research, prepare and submit a procurement request package for approval, and develop requirements documents prior to OPO preparing an acquisition plan or soliciting for a supply or service.  During the procurement process, the program offices serve as subject matter and technical experts on evaluation panels.  After award, some program office staff oversee the performance of the contract as Contracting Officer's Representatives (CORs).

### 6.7.2.1. Requiring Officials

The Access Board refers to agency officials who plan to fund or do fund the acquisition of ICT products or services as "Requiring Officials." The OPM *Section 508 Policy* adopts this definition.  Generally, they must:

1. Use the results of market research to assess the availability of supplies or services that meet all or part of the applicable ICT accessibility standards (FAR 10.001(a)(3)(ix)).

2.  Provide the CO with requirements documents that identify the following in accordance with FAR 11.002(f):

    i)   The needs of current and future users with disabilities to determine how–

    ii)  Users with disabilities will perform the functions supported by the information and communication technology (ICT); and

    iii) The ICT will be developed, installed, configured and maintained to support users with disabilities.

3.  The applicable ICT accessibility standards (see subpart 39.2); and

4.  Any ICT accessibility standards that cannot be met due to an exception or an exemption for any component or portion of the product (see FAR 7.105(b)(5)(iv), 39.204, and 39.205).

5.  Verify that products or services delivered under an agreement meet the accessibility terms and conditions included in the contract prior to accepting deliverables.

## 6.7.2.2. Contracting Officer's Representatives (CORs)

CORs are appointed by COs.  They perform technical and administrative functions for contracts once the contracts are awarded and, as such, generally must:

1.  Understand the applicable Section 508 Standards.

2.  Carry out the duties and responsibilities as established in Appendix G.

## 6.7.2.3. Purchase Cardholders and Approving Officials

Purchase cardholders and approving officials must complete training on Section 508 requirements for micro-purchases.  Purchase cardholders and approving officials must confirm the accessibility of products or services prior to purchase.  (OPM Contracting Policy 13.301, OPM Purchase Card Program – Revision 5)

### 6.7.3. Healthcare and Insurance (HI)

The OPM Director has delegated certain acquisition authority directly to HI. This subsection describes acquisitions roles and responsibilities for Section 508 compliance within HI.

### 6.7.3.1. Director of Healthcare and Insurance

The HI Director will work with the Section 508 Program Manager, and other officials, such as the Director of Human Resources, to effectuate the incorporation of Section 508 requirements into all ICT procured by HI or ICT acquired by contracts administered by HI.  The HI Director will confirm that all HI Contracting Officers, Contracting Officer's Representatives, and Requiring Officials have received training on procuring Section 508 conformant ICT products and services and act in compliance with Section 508 requirements.

### 6.7.3.2. HI Contracting Officers (HI COs)

HI COs have the same responsibilities as set forth in subsection 6.7.1.3.

### 6.7.3.3. HI Contracting Officer's Representatives (HI CORs)

HI CORs have the same responsibilities as set forth in subsection 6.7.2.2.

### 6.7.3.4. HI Requiring Officials

HI Requiring Officials have the same responsibilities as set forth in subsection 6.7.2.1.

### 6.7.4. Chief Information Officer (CIO)

Under FITARA, the CIO is responsible for approving all contracts or other agreements for information technology and information technology services. The CIO will incorporate consideration of Section 508 Standards and requirements as a part of its approval of all contracts and other agreements for information technology and information technology services.

## 6.8. Office of the General Counsel (OGC)

OGC is generally responsible for providing legal guidance.  In this context, such work might include:

1.  Analyzing and advising on questions of law involving ICT accessibility.

2.  Reviewing determinations of the applicability of the undue burden, fundamental alteration, or best meets exceptions.

3.  Advising and defending OPM as needed to address formal Section 508 complaints.

4.  Providing legal advice to the Section 508 ICT Accessibility Program Manager, as needed, on informal 508 complaints.

5.  Providing legal advice to the Section 508 Advisory Board, as needed.

## 6.9. Human Resources (HR)

HR supports training activities within the agency, including information regarding individual and program office obligations under the Section 508 Policy.  In that capacity, HR interacts with the ICT Accessibility Program.

HR also assists employees in meeting their needs through reasonable accommodations under Section 504 of the Rehabilitation Act.[3]

## 6.10. All Employees

All OPM employees should support OPM's efforts to implement its *Section 508 Policy*, as appropriate across the agency.  Generally, employees should carry out the duties and responsibilities as established in Appendix H.

---

[3] See Chapter 714 of OPM's Human Resources Handbook.