

**UNITED STATES OFFICE OF PERSONNEL
MANAGEMENT**

**POLICY ON
ELECTRONIC AND INFORMATION TECHNOLOGY
ACCESSIBILITY – SECTION 508**



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OPM POLICY ON ELECTRONIC AND INFORMATION TECHNOLOGY ACCESSIBILITY SECTION 508

This Policy on electronic and information technology (EIT) accessibility is issued by the Chief Information Officer and is effective upon issuance. It replaces and expands on OPM's Implementation Guidance for Section 508 Web Accessibility dated June 11, 2001, and implements OPM's policy on compliance with the requirements of Section 508.

I. What is Section 508?

In 1998, the President signed into law the Workforce Investment Act of 1998, which included the Rehabilitation Act Amendments of 1998. Section 508 of the Rehabilitation Act requires agencies to ensure that EIT developed, procured, maintained, or used is as equally accessible to people with disabilities as those without disabilities. Section 508 provides two exceptions for compliance: when an undue burden would be imposed on the agency; or when a commercially available product is not available.

As required by the law, the Architectural and Transportation Barriers Compliance Board (Access Board) issued regulations on December 21, 2000, that contained the technical standards for EIT accessibility that are necessary for agencies to use for implementing Section 508. These standards were enforceable under the law effective June 21, 2001.

II. What is OPM's Policy on Section 508?

In accordance with Section 508, OPM is committed to providing equivalent access to EIT for our employees with disabilities as well as members of the public with disabilities. Although Section 508 standards are enforceable only for EIT that is procured (e.g., products or services provided by a contract), it is OPM's policy that all EIT, whether procured through a contract or developed or maintained by internal staff, should meet Section 508 technical standards. The purpose of this policy is to ensure that OPM achieves the intent of Section 508, which is to provide full access to people with disabilities.

III. What Electronic and Information Technology does this Policy Cover?

Section 508 (29 U.S.C. 794d) and the regulations (36 CFR 1194) that implement it define EIT. This policy applies to all OPM EIT as defined in the regulations, and in particular, to the following:

- All OPM-related or sponsored Web-based content or pages, whether Internet or intranet (e.g., THEO) based, and whether hosted on OPM's primary Web site (opm.gov) or another Web site.
- All OPM-developed or sponsored software applications, including Web-based applications, regardless of the intended audience or user community. Application software is executable code written in any programming language that produces a

viewable or interactive interface. Application software includes plug-ins and multimedia, but excludes HTML, Meta, and scripting languages.

- All OPM-related or sponsored electronic forms, regardless of format and regardless of whether fillable or not.
- Telecommunications products.
- Video and multimedia products.
- Self-contained, closed products, including copiers and printers.
- Desktop and portable computers (e.g., laptops) and the operating systems used to run them (e.g., Windows 2000).
- Other information and documentation.

IV. What are the OPM Section 508 Standards?

The Center for Information Services (CIS) has prepared and published technical standards, guidelines, and other resource information to assist in meeting the requirements of Section 508, particularly with regard to Web content, applications, and electronic forms. This material is available on the THEO Policies and Procedures page under Section 508 (<http://theo.opm.gov/policies/>). Program offices must follow these CIS Section 508 Accessibility Standards and should use the additional accessibility resource information to ensure compliance with Section 508 and this Policy.

V. How will CIS Evaluate and Monitor Compliance with Section 508?

Program offices are responsible for ensuring Section 508 compliance of their products. Program offices must verify this compliance before OPM related, developed, or sponsored Web-based content, software applications, electronic forms, or multimedia presentations can be placed into production or otherwise made available to employees or the public. Program offices should retain documentation of their compliance verification with their acquisition files or other product or system documentation. This documentation is subject to review. CIS may also conduct an independent validation of 508 compliance. If CIS determines that a product is non-compliant, the program office will be responsible for remediating the affected item to bring it into compliance with Section 508.

VI. What is the process for handling Section 508 Complaints?

Section 508 provides for a formal administrative complaint process that became effective on June 21, 2001. Individuals may file a complaint alleging that a Federal agency or department has not complied with the Section 508 standards. The complaint process is the same as that used for Section 504 of the Rehabilitation Act, which pertains to discrimination based on disability in Federally conducted programs or activities. Section 508 also provides injunctive relief and attorney's fees to the prevailing party, but does not include compensatory or punitive damages. Individuals may also file a civil action against an agency.

Program offices are responsible for responding to any technical or administrative complaints/concerns that OPM receives on behalf of the office's Web page, application,

form, or other EIT. Program offices may initially contact CIS for assistance as needed to address complaints/concerns which are of a strictly administrative or technical nature and in which there is an expectation of immediate correction. Informal or formal complaints that allege a compliance violation of Section 508, however, must be immediately forwarded to OPM's Center for Equal Employment Opportunity and the Office of the General Counsel will be notified.

VII. Are There Exceptions to Section 508?

There are two exceptions related to compliance with Section 508. The first relates to procurement of EIT. If there are no products that meet the business requirements, including timeliness, and are Section 508 compliant, then a Section 508 compliant product is deemed to be not commercially available. In this case, a non-compliant product may be procured. This non-availability must be documented and be retained in the procurement file and is subject to audit. If there are products that meet the business requirements and that meet some, but not all, of the Section 508 standards, then the product that best meets the standards should be procured.

When a non-compliant product is procured, the program office must identify and be prepared to provide equivalent facilitation or alternative means. Equivalent facilitation is defined as substantially equivalent or greater access to and use of a product for people with disabilities. Alternative means is defined as providing individuals with disabilities with access to the information or data involved by an alternative media, format, or technology that allows the individual to use the information or data.

The second exception to procuring compliant technology relates to an undue burden to provide a compliant product. An undue burden is defined as a significant difficulty or expense. Factors that must be considered when assessing undue burden or hardship include the difficulty or expense of compliance and the agency resources available to its program or component for which the supply or service is being acquired (Federal Acquisition Regulations 48 CFR 39.204(e)). The undue burden must be documented and must explain why the EIT is not compliant, why it cannot be made compliant, and what actions are being taken to provide the information in an alternative format (i.e., equivalent facilitation or alternative means). A Deputy Associate Director or equivalent senior manager must request approval of the undue burden determination, and the request must be submitted to CIS for review as part of the Section 508 assessment process. CIS will coordinate approval of the undue burden determination with the Contracting, Facilities, and Administrative Services Group and the Office of the General Counsel. Undue burden determinations that have a significant impact may require approval by the Director.

VIII. What References Support This Guidance?

References that support this policy guidance and their Web locations are as follows:

OPM Accessibility Information

URL: <http://theo.opm.gov/section508/section508Web/>

Section 508 of the Rehabilitation Act

URL: <http://www.access-board.gov/sec508/guide/act.htm>

Section 504 of the Rehabilitation Act

URL: <http://www.section508.gov/index.cfm?FuseAction=Content&ID=15>

Section 508 Standards

URL: <http://www.access-board.gov/508.htm>

Section 508 Related Federal Acquisition Regulations

URL: <http://www.section508.gov/index.cfm?FuseAction=Content&ID=13>

Section 508 Training

URL: <http://www.section508.gov/index.cfm?FuseAction=Content&ID=5>

For further information, you may contact OPM's Section 508 Coordinator, Hutai Anderson, by email at hutai.anderson@opm.gov or by phone at (202) 418-3208.