

Reclamation Manual

Directives and Standards

Subject:	Nondiscrimination on the Basis of Disability in Federally Conducted Programs, Activities, and Services (Accessibility Program)
Purpose:	To standardize and clarify requirements to ensure compliance with nondiscrimination laws covering persons who have disabilities for consistent implementation throughout the Bureau of Reclamation. The benefits of this Directive and Standard (D&S) are twofold: (1) public access to, and benefit from, programs, activities and services; and (2) clarification of roles and responsibilities.
Authority:	Architectural Barriers Act (ABA) of 1968; Section 504 of the Rehabilitation Act of 1973, as amended (Rehabilitation Act); 43 Code of Federal Regulations (CFR) Part 17, Subpart E - Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of the Interior (Department), March 5, 1987; and Executive Order (EO) 12250, Leadership and Coordination of Nondiscrimination Law, November 2, 1980. For a detailed list of regulations and policies refer to Appendix A.
Approving Official:	Deputy Commissioner – Policy, Administration, and Budget
Contact:	Civil Rights Office, 84-23000

1. **Introduction.** Reclamation has responsibility under law and regulation to ensure that its programs, policies, services, and activities do not discriminate against persons with disabilities. Programs, activities and services, when viewed in their entirety, must be readily accessible to, and usable by, persons who have disabilities. Individuals with disabilities shall not be excluded from or denied services, segregated, or otherwise treated differently. Reclamation is required to provide architecturally accessible buildings and facilities; and is required to provide auxiliary aids and services to ensure effective communication (43 CFR Part 17 Subpart E).
2. **Applicability.** This D&S applies to *all programs and activities* conducted, administered, and/or maintained by or on behalf of Reclamation per 43 CFR Subpart E. Affected programs and activities include, but are not limited to: acquisitions and contracting, budget, building and facilities management, design and construction, environmental compliance, civil rights/equal opportunity, graphic arts, hazardous materials, human resources, information technology, labor relations, land acquisition and management, outreach and education, public involvement, public affairs, realty, recreation, resource management, safety, special events, technical writing, training, visual identity, videography, water contracting, water conservation, water operations, and web design.

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3. Roles and Responsibilities.

- A. **Commissioner.** Responsible for ensuring all Reclamation programs, activities, and services are accessible to and usable by individuals with disabilities. Ensures policy and procedures for the Accessibility Program are in place in accordance with the applicable laws, regulations, accessibility design standards, and Departmental policy. Responsible for confirming findings of undue burden and transmitting requests for exemptions from particular accessibility design standards to the General Services Administration (GSA) for final approval.
- B. **Reclamation Leadership Team.** Provides support by ensuring appropriate staff and funding to fully implement the Accessibility Program, and achieves ongoing compliance and fulfills reporting requirements.
- C. **Civil Rights Office (CRO).** Develops policy, directives and standards, and guidelines for successful implementation of the Accessibility Program. Provides advice and interpretation to managers, supervisors, and program employees when clarification is needed. Monitors and reports on accessibility activities, financial outlays, and complaints received by Reclamation's CRO. Provides technical advice on interpretation of regulations and accessibility design standards and updates standard components checklists as new guidelines and standards are promulgated.
- D. **Managers and Supervisors.** Responsible for implementation of the Accessibility Program by communicating requirements to staff, ensuring training of subordinates, requesting and supporting adequate budget to fulfill requirements, and being aware of the specific requirements within their areas of responsibility.
- E. **Accessibility Coordinators.** Perform evaluations or ensure that such evaluations are conducted by trained accessibility personnel; develop action plans according to 43 CFR Parts 17.510 and 17.550; coordinate evaluations and corrections with budget staff and program managers; work with managing partners and facility managers to correct identified deficiencies; provide technical guidance, training, and assistance to internal and external customers; review contracts, drawings, and specifications; develop policy; and report on goals established by the Department under the Government Performance and Results Act (GPRA) and EO 12250, as well as responding to other data calls.
- F. **Employees.** Employees from affected programs and activities as defined in Paragraph 2, *Applicability*, are responsible for consulting with the local accessibility coordinator to identify accessibility needs within individual program functions. Each program or activity plays a vital role in carrying out the provisions of, and ensuring compliance with, accessibility laws and regulations.

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4. Definitions.

- A. **Access Board.** The Architectural and Transportation Barriers Compliance Board (Access Board) was established by Section 502 of the Rehabilitation Act of 1973, as amended. The Access Board has been given the authority to enforce the ABA in all Federally-funded buildings and facilities, and research and promulgate guidelines for both the Americans with Disabilities Act (ADA) and the ABA.
- B. **Accessible To and Usable By.** A building or facility (or portion thereof) can be approached, entered, and used independently by persons with disabilities, whether the impairment is mobility, sensory, or cognitive in nature, or a combination thereof.
- C. **Action Plan.** A plan, also known as a transition plan, to bring a non-compliant program and/or building or facility into compliance with accessibility laws, regulations, and standards. Action plans serve as the link between identified needs for retrofits and budget formulation. Reclamation is required by regulation to produce action plans when identified noncompliant elements will require funding above and beyond normal operation and maintenance and/or take more than one fiscal year to complete. See 43 CFR Parts 17.510 and 17.550 for required elements of an action plan.
- D. **Alteration.** A change to a building or facility that affects or could affect the usability of the building or facility or portion thereof. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, resurfacing of circulation paths or vehicular ways, changes to structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions.
- E. **Alternate Formats.** Alternate formats are the substitute means of communication if the original information is in text, visual or audio form. Examples include, but are not limited to, printed material such as large print (18 to 24 point) and Braille, tactile models, audio-recordings, or computer disk.
- F. **Americans with Disabilities Act Accessibility Guidelines (ADAAG).** The architectural standards that govern structural and communications access to non-Federal and private entity buildings and facilities to be applied after January 26, 1992. For application of this standard, see Paragraph 7.H.(3).
- G. **Americans with Disabilities Act/Architectural Barriers Act Accessibility Guidelines (ADA/ABA AG).** The accessibility scoping and technical guidelines for sites, facilities, buildings, and constructed elements under the ADA or ABA. ADA/ABA AG is comprised of ADA Chapters 1 and 2 (Application and Administration/Scoping), ABA Chapters 1 and 2 (Application and Administration/Scoping), and Chapters 3-10 (Technical Requirements). The ABA Chapters for Federal facilities and Chapters 3-10 are currently enforceable as of May 8, 2006, and are commonly called ABAAS. The ADA Chapters are not applicable to Federal facilities.

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- H. **Americans with Disabilities Act of 1990.** Law ensuring nondiscrimination on the basis of disability in programs, activities, buildings and facilities by private entities, public accommodations, and state and local governments.
- I. **Architectural Barriers Act Accessibility Standards (ABAAS).** The accessibility scoping and technical requirements for Federal sites, facilities, buildings, and elements under the ABA to be applied during the design and modification process after May 8, 2006. ABAAS is comprised of ABA Chapter 1 (Application and Administration), ABA Chapter 2 (Scoping Requirements), and Chapters 3-10 (Technical Requirements). For application of this standard, see Paragraph 7.H.(4).
- J. **Architectural Barriers Act of 1968.** The law requiring that any facility on Federal property, or any facility leased, rented, built or modified with Federal funds shall be accessible to and usable by persons with disabilities.
- K. **Audio Description.** Audio description is a verbal depiction of a visual event for visually impaired persons.
- L. **Auxiliary Aids and Services.** Those items designed to help ensure effective communications, including but not limited to assistive listening devices, qualified sign language interpreters, computer-aided transcription services, open captioned visual and audio described media, and alternate formats.
- M. **Constructed Element.** An architectural or mechanical component of a building, facility, space, or site that is fixed and intended for use by employees or visitors and supports participation in a program or activity.
- N. **Effective Communication.** The regulatory responsibility to ensure that persons with communications and/or cognitive impairments receive the same benefit of education, entertainment, and information dissemination as persons without such impairments.
- O. **Evaluation.** A systematic and detailed review by trained personnel of all buildings, facilities, and programs to determine compliance with applicable laws, regulations, and accessibility design standards.
- P. **Exception (General Exception).** Elements of a site, building, or facility which are not required to comply with the accessibility design standards in Paragraph 7.H.
- Q. **Exemption.** Authorization to deviate from full or strict compliance with the standards where compliance could cause undue financial and administrative burden to Reclamation, or the fundamental alteration of the program or activity. See Paragraphs 5.B. and C.
- R. **Facility.** All or any portion of a building, structure, site improvement, constructed element, and pedestrian route or vehicular way located on a site.

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- S. **Federally Conducted.** Programs and services directly conducted by or for Reclamation personnel, or through partnerships on behalf of Reclamation, for the benefit, education, aid, and enjoyment of the public.
- T. **Fundamental Alteration of Nature of Program.** An alteration or modification of a program that will result in a change to the benefits or experiences provided. See Paragraph 5.C. for examples.
- U. **Interpretive Program.** A program or activity which aims to reveal meanings and relationships through the use of original objects, by first-hand experience, and by illustrative media, rather than simply to communicate information. Traditional exhibits, interactive exhibits, scale models, and tours are all examples of interpretive programs.
- V. **Person(s) with a Disability/Impairment.** An individual with a physical, mental, or sensory impairment that substantially limits one or more major life activities (e.g., walking, seeing, caring for self, breathing, learning), has a record of such impairment, or is regarded as having such impairment.
- W. **Place of Employment.** Where Reclamation employees are physically located and/or conduct their official duties. Places of employment may be owned, leased, or rented by Reclamation. In addition, work places may be provided for Reclamation staff under a cooperative agreement with another Federal or non-Federal entity.
- X. **Program or Activity.** Any service or function that is provided by or on behalf of Reclamation. At times “program” is used synonymously with “activity”; however, “activity” is more commonly used to describe various participatory elements of a program. Federally conducted programs and activities that Reclamation must make accessible include, but are not limited to, recreation, bid openings, recruitment, employment, trainings, public information and/or education, visitor centers, and public meetings.
- Y. **Qualified Historic Building or Facility.** A building or facility that is listed in or eligible for listing in the National Register of Historic Places, or designated as historic under an appropriate State or local law.
- Z. **Qualified Sign Language Interpreter.** One who is able to effectively, accurately, and impartially interpret, both receptively and expressively, using necessary specialized vocabulary. An individual does not have to be certified in order to meet this standard. A certified interpreter is one who has been trained in a more specialized vocabulary such as interpreting legal or medical situations. The most common system of sign language is American Sign Language. An individual or family member who knows sign language or who is taking a sign language class is not an acceptable substitute for a qualified interpreter.

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- AA. **Routine Maintenance.** Work performed to maintain normal operations, such as re-roofing, interior decoration, painting, trail repair, and changes to mechanical and electrical systems. For accessibility, cost and frequency are not factors to consider.
- BB. **Scoping.** The percentage of constructed elements required to comply with the accessibility design standards based on the total number of elements provided.
- CC. **Site.** A parcel of land bounded by a property line or a designated portion of a public right-of-way. A site may have one or more facilities within the boundaries or may have no facilities.
- DD. **Undue Burden.** A determination of difficulty or expense, considering factors that include the nature and cost of the needed modification in the facility or change in the program. See Paragraph 5.B.
- EE. **Uniform Federal Accessibility Standards (UFAS).** The accessibility scoping and technical requirements for sites, facilities, buildings, and constructed elements under the ABA to be applied during the design and modification process between August 12, 1968, and May 8, 2006. For application of this standard see Paragraph 7.H.(2).
5. **Programs, Activities, and Services.** Under the provisions of Section 504 of the Rehabilitation Act, programs, activities, and services, when viewed in their entirety, must be accessible to, and usable by, persons with disabilities. Program accessibility considers the experience provided by that program in two parts. Firstly, policies and practices set forth for the program shall not exclude or discriminate against individuals with disabilities from benefitting from the program. Secondly, the program shall be provided at an accessible location per accessibility design standards or per alternate methods as described in 43 CFR Part 17.550.
- A. **Compliance Options.**
- (1) **Compliance of Program in New or Altered Buildings and Facilities.**
Programs must be offered in a building or facility that meets the minimum requirements for scoping and technical requirements for new construction, alteration, or addition per accessibility design standards. See Paragraph 7.
 - (2) **Compliance of Program in Existing Unaltered Buildings and Facilities.**
Programs provided at an existing unaltered building or facility must meet the minimum requirements and methods set forth by 43 CFR Part 17.550.
- B. **Undue Burden.** There are three types of undue burden: (1) fundamental alteration to a program; (2) financial or administrative; and (3) architectural. These determinations are made by Reclamation after considering all resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. Determining undue

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burden does not release Reclamation from its responsibility to comply with the intent of the laws and regulations. However, if an action were to result in a determination that there is undue burden, Reclamation shall take all other actions it can to ensure that persons with disabilities receive the benefits and services of the program or activity per 43 CFR Part 17.550.

- (1) **Fundamental Alteration to a Program and Financial or Administrative Burden Procedure.** The decision that compliance would result in a fundamental alteration of the program or a financial or administrative burden must be made on a case-by-case basis by the Commissioner and noted in the administrative record.
- (2) **Architectural Undue Burden Procedure.** The decision that compliance with accessibility design standards would result in an undue burden, must be made on a case-by-case basis by the Commissioner and noted in the administrative record. Additionally, the Commissioner must forward a written request for an exemption to GSA. The request must include all evidence utilized in the Commissioner's determination of undue burden. Only the Administrator of GSA has the authority to grant an exemption from compliance with accessibility design standards.

C. **Fundamental Alteration to Nature of Program.** Reclamation is not required to make changes to a program that would result in a fundamental alteration to the nature of the program, but must document the reasons for reaching that conclusion.

6. **Communications.** Reclamation, or those entities providing programs on behalf of Reclamation, shall furnish, at its expense, effective means of communication and appropriate auxiliary aids. Examples of auxiliary aids include, but are not limited to, qualified sign language interpreters, tactile models, audio/visual media (open captioned as well as audio described), posters, interpretive programs and exhibits produced using hierarchical text, publications, signage, training, and web sites. See Appendix B for resource information on Section 508 and the Department of Defense Computer/Electronics Accommodation Program, where many auxiliary aids are available at no charge.

A. **Interpretive Programs and Materials.** All interpretive programs and materials must be made accessible to, and usable by, individuals with disabilities, including but not limited to mobility, cognitive, visual, hearing, speech, and/or other impairments.

- (1) All new audio/visual media, whether purchased or produced by or for Reclamation, will be open captioned and carry an audio description of the visual features. Existing films, videos, DVDs, and audio tapes will have a written script, which will be provided upon request to a person desiring an alternate format for communication.
- (2) An assistive listening system (either permanent or portable) that can accommodate both verbal and visual descriptions will be made available in all assembly areas, as requested.

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- (3) All exhibits and interpretive signage, whether temporary or permanent, will be accessible to all persons and modeled in such a way as to facilitate understanding by persons with communication(s) impairments. This may require alternate formats for communication.
- (4) Tours will be held along accessible routes and qualified sign language interpreters will be provided upon request. Portable listening systems will be provided and signs will be posted announcing their availability. See Appendix C.
- (5) Interactive kiosks will be designed and installed in such a way that persons with disabilities can view, reach, and operate the kiosk regardless of their impairment. See Appendix B, for Section 508 technical resources. Accessible features to be provided on kiosks include, but are not limited to:
 - (a) open captioned audio features;
 - (b) audio described visual features; and
 - (c) instruction for use on a touch screen provided in a pre-recorded format for persons with visual impairments.

B. Public Hearings, Events, and Activities. Notices advertising an event or activity will contain a statement that accommodation will be provided if requested 2 weeks prior to the event. Reclamation shall give primary consideration to the auxiliary aid requested when determining which type of aid to provide per 43 CFR Part 17.560. This may entail providing computer-aided transcription services, note-takers, transcripts of the meeting proceedings, and/or hiring qualified sign language interpreters. If a meeting or other event is going to last longer than 1 hour, the services of more than one qualified sign language interpreter will be required.

C. Public Information Dissemination by Telephone. All public dissemination of information, such as reservoir elevations and water flow data, will be accomplished using accessible means of communications. If pre-recorded information is provided over a telephone, the Federal and/or State Relay System phone numbers will be listed with the pre-recorded number for information so that persons who cannot communicate over a regular telephone have the option to use relay services to obtain the information. In offices where there is the potential for communication with persons who have communications impairments, those offices must have a telephone communications device for the deaf or other type of communications software in the reception area of each office and staff properly trained in the use of the equipment. See Appendix B, for Section 508 technical resources.

D. Publications and Printed Materials – Alternate Formats. All written materials, publications, training and educational materials, posters, promotional materials, report illustrations, graphics, and displays are required to be available in alternate formats

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upon request. In addition, a notice indicating the availability of alternate formats will be included in all documents and posted where the materials are distributed using appropriate signage.

7. **Buildings and Facilities.** The ABA requires that all new buildings and facilities built or leased with Federal funds, in full or in part, be fully accessible. All modified and altered buildings and facilities are to be brought up to accessibility design standards in place at the time, unless it will result in undue financial or administrative burden (see Paragraph 5.B.). For historic structures see Paragraph 7.G. Requirements for accessibility modifications do not apply during routine maintenance activities.

A. **Places of Employment.**

- (1) **Leased Space.** Leases executed, extended, or renewed between January 1, 1977, and February 6, 2007, must comply with the requirements of the ABA. On or after February 7, 2007, leases executed, extended or renewed must comply with ABAAS. All buildings occupied by Reclamation employees must be evaluated for compliance by an individual knowledgeable about accessibility design standards prior to execution of the lease agreement. Noncompliant items must be addressed by an article to the lease addressing modifications, deadlines for completion, and responsibility for covering costs before the lease agreement is executed.
- (2) **Reclamation-owned Spaces.** These spaces must comply with the accessibility design standards in effect at the time the building was constructed or modified. See Paragraphs 7.H.(1)-(4).
- (3) **Other.**
 - (a) Where Reclamation staff occupy a space not owned or leased by Reclamation, the employee's workspace, to the extent required, and common use areas must be evaluated for compliance by an individual knowledgeable about accessibility design standards. If not in compliance, Reclamation will negotiate with the building owner to fund and correct deficiencies in the workspace and common use areas.
 - (b) Temporary office space used by Reclamation staff consisting of buildings and facilities not of permanent construction will comply with the accessibility design standards in effect at the time the structure was constructed or modified. See Paragraph 7.H.(1)-(4). Structures, sites and equipment associated with construction, such as scaffolding, bridging, hoists, portable toilets, or construction trailers are not required to comply.

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B. Housing.

- (1) **Government Housing.** Residential structures will comply with the accessibility design standards and scoping in effect at the time the structure was constructed or modified. See Paragraph 7.H.(1)-(4). Receipt of lease or rental payments from residents does not relieve Reclamation from the requirement to comply with the standards.
- (2) **Temporary Housing.** Dormitory or residential buildings and facilities, used year-round or seasonally, will comply with the accessibility design standards and scoping in effect at the time the structure was constructed or modified. See Paragraph 7.H.(1)-(4). Receipt of lease or rental payments from residents does not relieve Reclamation from the requirement to comply with the standards.

C. **Recreation Facilities.** All recreation facilities will incorporate accessibility design standards in place at the time of construction or modification. Where such standards do not address specific constructed elements, the existing accessibility design standards shall be applied to the extent practicable.

D. **Planning.** All planning for new and modified facilities will be reviewed by staff responsible for accessibility compliance.

E. **Design, Construction and Inspection.** Regions shall establish processes to ensure accessibility compliance of new and modified buildings and facilities during the design, construction, and inspection phases.

- (1) **Design.** It is the responsibility of the designer, engineer, or landscape architect to determine how to address construction and manufacturing tolerances in designs and specifications to ensure the finished products comply with accessibility design standards. Designs and specifications will be written so that they include appropriate tolerances for each constructed element.
- (2) **Construction.** Prior to authorizing field changes, the staff responsible for accessibility compliance must be consulted about these changes.
- (3) **Inspection.** The construction inspector will ensure, before final acceptance, that the designs and specifications, including accessibility design standards, are fully followed by the contractor. In addition, the staff responsible for accessibility compliance must be consulted regarding all proposed field changes.

F. **Modifications Made for Other Reasons.** Modifications to a building or facility for a purpose other than accessibility, such as for seismic, life safety, historic preservation, and/or security may result in accessible spaces being rendered inaccessible; therefore, coordination between staff responsible for all of these program areas is required. Opportunities to improve accessibility when other modifications occur shall be

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implemented when possible. When substantial funds are spent on modifications for any reason, accessibility deficiencies must be addressed concurrently.

- G. Historic Structures and Heritage Assets.** When a building or facility is listed, or is eligible for listing, on the National Register of Historic Places or in a State or local historic register, consultation between the accessibility coordinator and the cultural resources staff is required before modifications to existing buildings can be made. See 43 CFR Part 17.550(b)(2), UFAS 4.1.7, ADAAG 4.1.7, and ABAAS F202.5, as well as Paragraph 7.H. for the methods to provide accessibility. Among these methods, priority shall be given to those that provide physical access to persons with disabilities.
- H. Accessibility Design Standards.** Important practical differences exist between accessibility design standards for new and existing buildings. Appropriate accessibility design standards will apply to all new buildings and facilities and the modification of existing buildings and facilities. After the accessibility design standards are applied and verified for correctness, appropriate signage indicating the availability of accessible features must be posted. See Appendix C.
- (1) Unmodified buildings and facilities constructed prior to 1968 are not required to meet accessibility design standards, but are required to meet programmatic access. See Paragraph 5. If any modifications, other than routine maintenance, have occurred, or will occur, then appropriate standards shall be applied.
 - (2) Buildings and facilities constructed or modified between 1968 and 1992 shall comply with UFAS.
 - (3) Buildings and facilities constructed or modified between 1992 and 2006 shall comply with UFAS, except where ADAAG is more stringent, per Department Equal Opportunity Directive 93-07.
 - (4) Buildings and facilities constructed or modified after May 8, 2006, shall comply with ABAAS.
- I. Operations and Maintenance (O&M).** Buildings, facilities and equipment required to be readily accessible to, and usable by, persons with disabilities must be maintained in good working condition. Common maintenance issues include, but are not limited to, clear maneuvering space, reach ranges, access and egress routes, assistive listening devices and other equipment.
- (1) Routine O&M undertaken by or on behalf of Reclamation shall be conducted in a manner to ensure that the accessibility of buildings and facilities is not compromised.
 - (2) Regions shall establish a process for training facility maintenance staff to ensure that the accessibility of buildings and facilities is not compromised.

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8. Compliance Reviews.

- A. **Program and Building and Facility Evaluations.** Reclamation, at its own expense, will evaluate its programs, policies, procedures, and buildings and facilities to determine compliance with accessibility laws and regulations. Evaluations require the assistance of a representative for the disabled community knowledgeable in the accessibility design standards, such as individuals from the Commission for the Blind, State or local vocational rehabilitation, or non-profit disability rights organization.
- B. **Other Compliance Reviews.** Regions shall establish a process for the inclusion of staff responsible for accessibility compliance in appropriate reviews, such as O&M, recreation, land management, concession, and other lease compliance reviews, condition assessments, life safety, public health and safety, asset management surveys, or seismic evaluations.

9. **Budget.** Project staff is responsible for requesting appropriate funds to correct identified deficiencies. Coordination among accessibility coordinators, program managers, managing partners, and staff from other affected programs may be required.

10. Acquisitions, Construction Contracts, and Contracting Processes.

- A. **Supplies and Equipment.** Regions shall establish a process for reviewing acquisitions or purchases for supplies and equipment that have accessibility implications to ensure accessibility compliance.
- B. **Architectural-Engineering (A-E), Design, and Construction Contracts.** It is the requesting office's responsibility to ensure that specifications comply with the appropriate accessibility design standards. All designs and specifications for new and modified buildings and facilities will be reviewed by staff responsible for accessibility compliance. Each contract will include the clause below, or an equivalent clause:

"The Contractor shall [design, construct, provide] the [facility, product] to ensure accessibility as required by law for persons with disabilities in accordance with the Architectural Barriers Act of 1968 (82 Stat. 718), as amended (42 U.S.C. 4151 et seq.) and Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794).

"Specific requirements are set forth in the Americans with Disabilities Act/Architectural Barriers Act Accessibility Guidelines: ABA Chapter 1 (Application & Administration); Chapter 2 (Scoping Requirements); Chapters 3-10 (Technical Requirements), commonly referred to as ABAAS, and shall be used by the Contractor to ensure compliance with the above-listed laws. The finished [facility, product] must meet the requirements set forth in ABAAS. It is the sole responsibility of the Contractor to determine beforehand how to address tolerances to ensure that the finished products comply with Federal standards. Should the finished [facility, product] fail to comply, it shall be the responsibility of the Contractor, at its sole

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expense, to make any adjustments necessary to bring the deficient components into compliance.”

- C. **Acquisition and Contracting Processes.** All pre-award, award, and post-award discussions with contractors shall be in compliance with Paragraphs 5, 6, and 7.
- D. **Rating Panels.** Staff knowledgeable about accessibility standards shall be included on rating panels where accessibility implications may exist.
11. **Notice of Nondiscrimination and Complaints Processing.** Reclamation offices and partners conducting programs on behalf of Reclamation, will post, in a prominent location, a statement of nondiscrimination that includes information on where to file a complaint. If a written or verbal complaint is received regarding a federally conducted or partner-managed program or facility, the complainant will be advised that they have the right to file an official complaint with the Director, Office of Civil Rights, Department of the Interior, 1849 C Street, NW, Washington, DC, 20240. All complaints will be coordinated by Reclamation’s CRO and processed according to applicable regulations. See Appendix D.
12. **Reporting.** With the exception of reasonable accommodation, all reporting requirements concerning accessibility activities, such as GPRA, EO 12250, the Commissioner’s 10-Year Plan, or Budget Review Committee, will be coordinated with regional and area office accessibility staff.
13. **Recordkeeping and Retention.** All paper and electronic records, such as accessibility evaluations, action plans and related correspondence, will be kept until retrofits are made and then destroyed 3 years thereafter. See 43 CFR Part 17.510 (b).
14. **Related Laws, Executive Orders and Industry Standards.** When administering and/or conducting the Accessibility Program, the following laws, EOs, and industry standards will be taken into consideration. Where regulatory requirements conflict, a managerial decision must be made and accompanied by a written statement of the reasons for reaching that decision. See Appendices A and B.
- A. Section 501 of the Rehabilitation Act of 1973, as amended, governs reasonable accommodation for employees and applicants for employment who have disabilities. See Reclamation Manual D&S, *Reasonable Accommodation for Persons with Disabilities*, HRM 06-01.
- B. Section 508 of the Rehabilitation Act of 1973, as amended, governs access to information technology for both employees and the public, programs conducted by or on behalf of Reclamation. See also Federal Acquisition Regulation, Subpart 39.2 for additional information regarding Section 508.

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- C. EO 12941 and adopted Federal standard RP-6 (Standards of Seismic Safety for Federally Owned or Leased Buildings) governs seismic risk identification and mitigation.
- D. Occupational Safety and Health Act governs workplace safety and health.
- E. National Fire Protection Association 101- Life Safety Code governs fire protection and safety in buildings.
- F. International Building Code governs performance and safety of the built environment through the development of codes used to design and construct buildings.