



Office of Equal Opportunity and Civil Rights
Centers for Medicare & Medicaid Services

Procedure:
Section 508 Complaints

August 2006

Document Number: CMS-OEOCR-PROC-50801-01

TABLE OF CONTENTS

1. PURPOSE.....1

2. REFERENCES1

3. SCOPE1

4. ROLES AND RESPONSIBILITIES.....1

 4. A. COMPLAINANT 1

 4. B. DIRECTOR, CMS OFFICE OF EQUAL OPPORTUNITY AND CIVIL RIGHTS (OEOCR) 2

 4. C. CMS REASONABLE ACCOMMODATION COORDINATOR (RAC)..... 2

 4. D. CMS SECTION 508 COORDINATOR 2

 4. E. HHS OFFICE OF DIVERSITY MANAGEMENT AND EQUAL EMPLOYMENT OPPORTUNITY
 (ODMEEO)..... 2

 4. F. HHS OFFICE FOR CIVIL RIGHTS (OCR)..... 3

5. PROCEDURE3

6. EFFECTIVE DATES4

7. INFORMATION AND ASSISTANCE.....4

8. APPROVED4

9. ATTACHMENTS4

1. PURPOSE

This document establishes the procedure for submitting and handling a complaint that alleges that the Centers for Medicare & Medicaid Services (CMS) does not comply with Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 (d)), as amended by the Workforce Investment Act of 1998 (P.L. 105-220), August 7, 1998, in providing accessible electronic and information technology (EIT).

2. REFERENCES

- CMS Policy for Section 508 Compliance, June 2006

3. SCOPE

This procedure applies to all administrative complaints from individuals (e.g., present or former CMS employees, applicants for employment, business partners, or members of the public) who allege that CMS does not comply with Section 508 of the Rehabilitation Act of 1973, as amended, in providing access to and use of information and data through EIT to disabled persons that is comparable to the access to and use of information and data that is available to individuals who are not disabled.

There are two basic types of Section 508 complaints: 1) employment-discrimination complaints, and 2) non-employment-discrimination complaints. A Section 508 employment-discrimination complaint is one in which a current or former CMS employee or applicant for employment alleges a Section 508 discrimination violation on the basis of disability because of a CMS employment act or action taken. All other complaints alleging violation of Section 508 are considered to be non-employment-discrimination complaints.

4. ROLES AND RESPONSIBILITIES

The following entities have specific responsibilities related to the implementation of this procedure:

4. A. Complainant

Any individual who alleges a Section 508 violation by CMS and wishes to pursue a Section 508 complaint is responsible for submitting a signed, written statement that provides all necessary and appropriate information to the Director of the CMS Office of Equal Opportunity and Civil Rights (OEOCR).

4. B. Director, CMS Office of Equal Opportunity and Civil Rights (OEOCR)

For the purposes of this procedure, the Director of the CMS OEOCR is responsible for providing the complainant with a written acknowledgement of the receipt by CMS of a Section 508 complaint.

4. C. CMS Reasonable Accommodation Coordinator (RAC)

For the purposes of this procedure, the CMS RAC in OEOCR is responsible for the following:

- Ensuring that all CMS Section 508 complaints are appropriately recorded and tracked until final resolution;
- Forwarding CMS Section 508 employment-discrimination complaints to the Department of Health and Human Services (HHS) Office of Diversity Management and Equal Employment Opportunity (ODMEEEO), formerly the HHS Equal Employment Opportunity Programs Group (EEOPG), for appropriate processing;
- Forwarding CMS Section 508 non-employment-discrimination complaints to the HHS Office for Civil Rights (OCR) for appropriate processing, with a copy of the complaint also provided to the CMS Section 508 Coordinator; and
- Working with the CMS Section 508 Coordinator to provide non-accessible EIT information and data to disabled individuals through an alternate method of access, if appropriate.

4. D. CMS Section 508 Coordinator

For the purposes of this procedure, the CMS Section 508 Coordinator in the Office of Information Services (OIS) is responsible for the following:

- Providing technical assistance to the Director of the CMS OEOCR, the CMS RAC, and HHS regarding CMS Section 508 issues;
- Coordinating the implementation of all necessary CMS actions prescribed by HHS for resolving Section 508 non-employment-discrimination complaints;
- Working with the CMS RAC to provide non-accessible EIT information and data to disabled individuals through an alternate method of access, if appropriate;
- Developing required reports and/or coordinating/completing required surveys on Section 508 complaints, and submitting the results to the CMS Section 508 Official for review; and
- Coordinating completion of the biennial Department of Justice Section 508 survey for CMS input into the HHS final report that includes reporting on Section 508 complaints received.

4. E. HHS Office of Diversity Management and Equal Employment Opportunity (ODMEEEO)

For the purposes of this procedure, the HHS ODMEEEO (formerly the HHS EEOPG) is responsible for the following with regard to Section 508 employment-discrimination complaints:

- Accepting and investigating Section 508 employment-discrimination complaints filed by current or former CMS employees and applicants for employment with CMS, alleging a failure of CMS to comply with Section 508 of the Rehabilitation Act of 1973; and
- Providing technical assistance to CMS regarding the resolution of Section 508 employment-discrimination complaints.

4. F. HHS Office for Civil Rights (OCR)

For the purposes of this procedure, the HHS OCR is responsible for the following with regard to Section 508 non-employment-discrimination complaints:

- Accepting and investigating Section 508 non-employment-discrimination complaints filed by employees, applicants for employment, business partners, or members of the public alleging a failure of CMS to comply with Section 508 of the Rehabilitation Act of 1973; and
- Providing technical assistance to CMS regarding the resolution of Section 508 non-employment-discrimination complaints.

5. PROCEDURE

Any individual who alleges a Section 508 violation and wishes to pursue a Section 508 complaint must contact the CMS OEOCR. The type of Section 508 complaint will determine the subsequent steps or actions to be taken. The following describes the sequence of steps that comprise the procedure for submitting and handling a Section 508 complaint at CMS:

STEP 1: To file a Section 508 complaint, the complainant must submit a signed, written statement to the Director of the CMS OEOCR that provides the following information:

- Complainant's name, address and telephone number. If the complainant is a current or former CMS employee, the complainant must also provide his/her position title, series, grade, and component/office/region;
- If the complainant has designated someone to represent him/her in the processing of the Section 508 complaint, the representative's name, address, and telephone number must be provided;
- Name and address of the CMS organization and/or individual(s) alleged to have violated Section 508;
- Sufficient detail to identify the basis of the Section 508 complaint (i.e., a brief description of the action(s) that gave rise to the alleged Section 508 violation, the date(s) of the event(s), and who was involved); and
- Any other relevant information or supporting documentation.

All Section 508 complaints are to be sent to the following address:

Director, Office of Equal Opportunity and Civil Rights
Centers for Medicare & Medicaid Services
7500 Security Blvd., Room N2-22-17
Baltimore, MD 21244-1850

STEP 2: Upon receipt of a Section 508 complaint, the Director of the CMS OEOCR will provide the complainant with a written acknowledgement of receipt.

STEP 3: The CMS RAC in OEOCR will ensure that the Section 508 complaint is appropriately recorded and tracked until final resolution.

For Section 508 employment-discrimination complaints, the CMS RAC will forward the complaint to the HHS ODMEEEO for appropriate processing.

For Section 508 non-employment-discrimination complaints, the CMS RAC will forward the complaint to the HHS OCR for appropriate processing, with a copy of the complaint also provided to the CMS Section 508 Coordinator.

STEP 4: Following submission of a Section 508 complaint to the appropriate HHS office, all necessary CMS actions will be implemented as prescribed by HHS to resolve the complaint. The outcomes will be tracked by the CMS OEOCR for compliance, record-keeping, and reporting purposes.

6. EFFECTIVE DATES

This procedure becomes effective on the date that the Director of the CMS OEOCR signs it, and remains in effect until officially superseded or cancelled by the CMS OEOCR Director.

7. INFORMATION AND ASSISTANCE

For further information regarding this procedure, please contact the Director of the CMS OEOCR.

8. APPROVED

_____/s/_____

Arlene Austin, Director
CMS Office of Equal Opportunity and Civil Rights

_____/8/14/2006_____

Date of Issuance

9. ATTACHMENTS

None