

Reclamation Manual

Policy

TEMPORARY RELEASE

(Expires 09/30/2017)

- Subject:** Accessibility to Electronic and Information Technology (EIT) for Individuals with Disabilities
- Purpose:** The purpose of this Policy is to establish uniform standards and responsibilities for implementing Section 508 of the Rehabilitation Act, as amended (Section 508). The benefit of this Policy is that it ensures Bureau of Reclamation employees and members of the general public with disabilities have access to and use of Reclamation's EIT comparable to that provided to individuals without disabilities.
- Authority:** Section 508 of the Rehabilitation Act of 1973, as amended (29 USC 794d); Title 29 Code of Federal Regulations (CFR) 1614.203, *Rehabilitation Act*; 36 CFR Part 1194, *Electronic and Information Technology Accessibility Standards*; 48 CFR Part 39, *Acquisition of Information Technology*; Federal Acquisitions Regulations (FAR) 39.2, *Electronic and Information Technology*; Executive Order 13011, *Federal Information Technology*; Office of Management and Budget Circular A-11, *Preparation, Submission, and Execution of the Budget*; Department of the Interior Guidance Release 2008-03: *Ensuring Applicable Section 508 Standards when Acquiring Electronic and Information Technologies*; Reclamation Manual (RM) Directive and Standard (D&S), *Reclamation Web Management (CMP 03-01)*
- Approving Official:** Commissioner
- Contact:** Information Resources Office (IRO), Planning and Compliance Division (84-21200)
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1. **Introduction.** Section 508 requires that development, procurement, maintenance, and use of EIT are accessible to individuals with disabilities. Federal agencies must ensure that all EIT allows individuals with disabilities, both Federal employees and members of the general public, access and use of information and data comparable to that available to individuals without disabilities.
 - A. The United States Architectural and Transportation Barriers Compliance Board (Access Board) issues the EIT Accessibility Standards (36 CFR Part 1194) for Section 508 and defines "accessibility" for EIT. These standards became effective on June 21, 2001.

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- B. FAR 39.2, *Electronic and Information Technology*, implements Section 508 and the Access Board EIT accessibility provisions.
 - C. Other Federal statutes (such as Sections 501 and 504 of the Rehabilitation Act of 1973), regulations, and RM Policies and D&Ss require equal access to information for individuals with disabilities. Therefore, information must be provided in an accessible manner. For those that are not able to obtain the information in an accessible manner, Federal agencies are required to provide, upon request, information and data to individuals with disabilities through an alternate format.
2. **Applicability.** This Policy applies to all Reclamation EIT developed, procured, maintained, or used by and for Reclamation on or after June 21, 2001, and is to be implemented by all Reclamation employees, contractors, or other entities performing these activities on behalf of or for Reclamation. EIT necessarily includes the content created by the use of word processing, spreadsheet, presentation, data management, and collaborative management products that will be shared.
3. **Definitions.**
- A. **Alternate Formats.** Alternate formats are the substitute means of communication for original information that is in text, visual, or audio form. Examples include, but are not limited to, printed material such as large print (18 to 24 point), braille, tactile models, audio-recordings, or computer disk.
 - B. **Assistive Technology.** Any item, piece of equipment, or system, whether acquired commercially, modified, or customized, that is commonly used to increase, maintain, or improve functional capabilities of individuals with disabilities.
 - C. **EIT.** Includes information technology and any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion, or duplication of data or information. EIT includes, but is not limited to, computers, software, firmware and similar procedures, services (including support services), telecommunications products (such as telephones), information kiosks and transaction machines, World Wide Web sites, multimedia, and office equipment such as copiers and fax machines. EIT includes access to all shared information, documentation, and support created by or provided to end-users (e.g., Federal employees) of covered technologies. This includes content created by the use of word processing, spreadsheet, presentation, data management, and collaborative management products. It also includes user guides, installation guides for end-user installable devices, and customer support and technical support communications. EIT does not include any equipment that contains embedded information technology that is used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management,

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movement, control, display, switching, interchange, transmission, or reception of data or information. For example, heating, ventilation, and air conditioning (HVAC) equipment such as thermostats or temperature control devices, and medical equipment where information technology is integral to its operation, are not EIT.

- D. **Fundamental Alteration to the Nature of a Program.** An alteration or modification in the fundamental characteristic or purpose of a program, activity, or service that shall result in a change to the benefits or experiences provided by the program, activity, or service.
 - E. **Information Technology.** Any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by a Federal agency.
 - F. **Telecommunications.** The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
 - G. **Undue Burden.** Undue burden means significant difficulty or expense, taking into account all agency resources available to the program or component for which the EIT is being procured.
4. **Responsibilities.**
- A. **Commissioner.** The Commissioner is responsible for:
 - (1) ensuring all Reclamation EIT is accessible to and usable by individuals with disabilities; and
 - (2) ensuring policy and procedures are in place in accordance with applicable Section 508 laws, regulations, Section 508 EIT Accessibility Standards, and Departmental policy.
 - B. **Reclamation Leadership Team (RLT).** The RLT is responsible for:
 - (1) recommending to the Commissioner appropriate staff and funding levels, program course, and Reclamation-wide goals to fully implement the requirements of Section 508;
 - (2) ensuring compliance by their organization and employees with Section 508 and full implementation of this Policy and subsequent D&S regarding accessible EIT; and

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- (3) providing appropriate funding in their respective region or directorate to fully implement the requirements of Section 508.

C. **Director, Policy and Administration.** The Director, Policy and Administration is responsible for:

- (1) receiving, investigating, managing, tracking, and reporting complaints lodged against Reclamation alleging violation of the requirements set forth in Section 508;
- (2) assisting with the development of Section 508 related Policy and D&S; and
- (3) assisting with the development, implementation, and presentation of Section 508 training for Reclamation employees.

D. **Associate Chief Information Office (ACIO).** The ACIO is responsible for:

- (1) appointing a Reclamation Section 508 Coordinator and ensuring the individual identified has the requisite training, expertise, and time to perform tasks associated with this responsibility;
- (2) ensuring that Section 508 compliance solutions conform to the appropriate EIT security requirements commensurate with the sensitivity of the system and information contained;
- (3) providing representatives to gather and report information to the IRO for the Secretary's biennial report on the status of Section 508 compliance and the extent that electronic and information technology in the agency or mission area is accessible to persons with disabilities; and
- (4) ensuring policy and procedures are in place in accordance with the applicable Section 508 laws, regulations, accessibility design standards, and Departmental policy.

E. **Director, Management Services Office (MSO).** The Director, MSO, is responsible for:

- (1) providing Reclamation-wide policy and guidance to ensure compliance with Section 508-related policies and procedures as related to new acquisitions; and
- (2) ensuring procurements of EIT comply with FAR 39.2.

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F. Regional Directors. Regional directors are responsible for:

- (1) appointing a Section 508 Lead (Lead) and ensuring their participation in Reclamation-wide Section 508 program goals and objectives;
- (2) ensuring the Lead identified has the requisite training, expertise, and time to perform tasks associated with this responsibility; and
- (3) providing the resources and budgets necessary to assure compliance with Section 508 within their areas of responsibility.

G. Leads. Leads are responsible for:

- (1) serving as Reclamation's subject matter experts on Section 508 accessibility;
- (2) providing information and recommendations to IRO for RLT discussion or deliberation;
- (3) working with IRO to provide their region's perspective on Section 508 accessibility issues affecting policy development;
- (4) participating in regular meetings, conference calls, forums, etc., with IRO and other Leads and accessibility experts as necessary to ensure consistent application of this RM Policy and related D&S;
- (5) leading efforts in their region to assist the regional director with ensuring Section 508 accessibility;
- (6) providing technical guidance, training, and assistance to internal and external customers;
- (7) reporting the region's annual accomplishments as requested;
- (8) coordinating evaluations and retrofits for areas under direct jurisdiction of the regional office with budget staff, program managers, managing partners, and facility managers to correct identified deficiencies; and
- (9) completing a minimum of 8 hours of training per fiscal year on accessibility related issues.

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- H. **Chief Contracting Officers (CCOs).** CCOs are responsible for:
- (1) developing, updating, and incorporating standard Section 508 language in solicitations, contracts, indefinite delivery indefinite quantity contracts, and task orders for all EIT procurements;
 - (2) enforcing contractor compliance with all applicable Section 508 contract provisions; and
 - (3) ensuring the results from market research and the documentation for approved exceptions, if applicable, are maintained in the contract files for all EIT procurements.
- I. **Employees.** Reclamation employees are responsible for understanding the requirements of Section 508 and how these requirements apply to their operating processes. Reclamation employees involved in the design, development, procurement, or use of EIT shall take necessary and appropriate actions to ensure that all EIT and all new and/or revised information made available on Reclamation's public-facing Web sites, Reclamation's Intranet sites, or broadcast via Reclamation's e-mail systems meet all applicable Section 508 standards, unless one or more of the exceptions in Paragraph 6 apply.
5. **Policy.** Reclamation shall act in accordance with Section 508 and related Federal laws and regulations when developing, procuring, maintaining, and using EIT. Reclamation shall ensure Federal employees with disabilities have access to and use of equipment, information, and data that is comparable to the access to and use of the information and data by Federal employees who are not individuals with disabilities. In addition, Reclamation will ensure that individuals with disabilities who are members of the public seeking information or services from Reclamation have access to and use of information and data that is comparable to the access to and use of the information and data by such members of the public who are not individuals with disabilities.
- A. **Access to EIT.**
- (1) Unless one of the exceptions in Paragraph 6 below applies, all Reclamation EIT shall meet the Section 508 EIT Accessibility Standards established by the Access Board and codified at 36 CFR Part 1194. This Policy applies to all types of technologies, including software applications and operating systems; Web-based information or applications; telecommunications products; video and multimedia products; self-contained, closed products, such as information kiosks, calculators,

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fax machines, etc.; and desktop and portable computers. See <http://www.access-board.gov/sec508/standards.htm> for the current Section 508 EIT Accessibility Standards.

- (2) If one or more of the exceptions in Paragraph 6 below applies, Reclamation shall provide individuals with disabilities access to Reclamation information or data in an alternate format. Reclamation shall adhere to FAR EIT Accessibility (48 CFR, Chapter 1, Parts 2, 7, 10, 11, 12, and 39).
 - (3) All EIT developed, procured, produced, or maintained by Reclamation or by a contractor or other entity performing activities for or on behalf of Reclamation shall comply with current Section 508 EIT Accessibility Standards and applicable regulations and policies.
- B. Procurement of EIT.** Reclamation shall comply with Section 508 when developing, procuring, maintaining, or using EIT. FAR 39.2 incorporates Section 508 EIT Accessibility Standards. These standards shall be made part of the Statement of Work in all contracts, solicitations, purchase orders, and task orders for EIT products procured, developed, maintained, or used by or for Reclamation. See <https://www.acquisition.gov/far> for the current FAR EIT acquisition standards.
- C. Shared Information.** Consistent with Sections 501 and 504 of the Rehabilitation Act of 1973, as amended, Reclamation shall ensure the content of all information created by use of word processing, spreadsheet, presentation, data management, and collaborative management products is accessible to Federal employees and members of the public. In the event the product does not have EIT means to make the information accessible, Reclamation, upon request, shall provide information and data to individuals with disabilities through an alternative means of access or alternate format that can be used by the individual(s) requesting the information.
- 6. Exception Standards.** As specified in 36 CFR 1194.3, Reclamation is not required to procure, develop, maintain, or use EIT that meets the technical provisions of the Access Board's standards if the procurement, development, maintenance, or use:
- A. is for a national security system (FAR 39.204(b) and 36 CFR 1194.3(a));
 - B. is acquired by a contractor incidental to a contract (FAR 39.204(c) and 36 CFR 1194.3(b));
 - C. is located in spaces frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment (FAR 39.204(d) and 36 CFR 1194.3(f));

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- D. would impose an undue burden on the agency (FAR 39.204(e) and 36 CFR 1194.2) as defined in FAR 39.202 and 36 CFR 1194.4 and determined by the CCO;
 - E. would require fundamental alteration in the nature of a program's product or its components in order to comply with Section 508 (FAR 39.204(e) and 36 CFR 1194.3(e)); or
 - F. would mean installation of specific accessibility-related software or the attachment of an assistive technology device at a workstation of a Federal employee who is not an individual with a disability.
7. **Complaints.** Any individual or organization may file a complaint alleging that Reclamation does not comply with Section 508 in providing access to and use of information and data through EIT that is comparable to the access to and use of information and data that is available to individuals who are not disabled. Reclamation shall process all Section 508-related complaints under the process established for filing complaints pursuant to 43 CFR Part 17.

RECLAMATION MANUAL TRANSMITTAL SHEET

Effective Date: _____

Release No. _____

Ensure all employees needing this information are provided a copy of this release.

Reclamation Manual Release Number and Subject

Summary of Changes

NOTE: This Reclamation Manual release applies to all Reclamation employees. When an exclusive bargaining unit exists, changes to this release may be subject to the provisions of collective bargaining agreements.

Filing instructions

Remove Sheets

Insert Sheets

All Reclamation Manual releases are available at <http://www.usbr.gov/recman/>

Filed by: _____

Date: _____