

ACCESSIBLE ELECTRONIC AND INFORMATION TECHNOLOGY (EIT)

- 1. REASON FOR ISSUE:** This handbook establishes Department of Veterans Affairs (VA) procedures and guidelines to ensure that VA's electronic and information technology (EIT) is accessible by VA employees and members of the public with disabilities. This handbook was developed to assist VA employees in complying with Section 508 of the Rehabilitation Act and implements policy contained in VA Directive 6221, Accessible Electronic and Information Technology (EIT)
- 2. SUMMARY OF CONTENTS / MAJOR CHANGES:** This handbook provides general procedures and guidelines to implement policy contained in VA Directive 6221. The handbook also defines VA's responsibilities for the implementation of Section 508 compliance to include incorporating new requirements into practice as they relate to development, procurement, maintenance, or use of EIT; managing administrative complaints; and responding to reporting requirements. As Section 508 interpretation and compliance matures, updates and revisions to this handbook will be issued. The electronic version of the Section 508 standards can be referenced in the resources section of our website at <http://www.va.gov/accessible>.
- 3. RESPONSIBLE OFFICE:** The Office of the Assistant Secretary for Information and Technology (005), Enterprise Architecture Management (005E), Records Management Service (005E3) is responsible for the material contained in this handbook.
- 4. RELATED DIRECTIVE:** VA Directive 6221, Accessible Electronic and Information Technology (EIT).
- 5. RECISSION:** None.

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**BY DIRECTION OF THE
SECRETARY OF VETERANS AFFAIRS**

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ACCESSIBLE ELECTRONIC AND INFORMATION TECHNOLOGY (EIT)

Chapter 1. GENERAL INFORMATION AND RESPONSIBILITIES

1. Purpose and Scope

a. This handbook explains the requirements of Section 508 of the Rehabilitation Act of 1973, as amended, Public Law 105-220, codified at 29 U.S.C. 794(d), so that all Department of Veterans Affairs (VA) employees can better understand Section 508 and its impact on their work. It provides practical information and establishes general procedures for interpreting and applying the various Section 508 requirements and standards. To assist VA employees in complying with the requirements, this handbook provides guidance for managing administrative complaints and responding to reporting requirements. Implementation of the procedures in this handbook will ensure that all employees with disabilities have electronic access to information technology to perform their assigned functions consistent with the requirements of Section 508.

b. This chapter offers an overview of Section 508; describes the importance of making electronic and information technology (EIT) products accessible to employees with disabilities, and describes who is responsible for directing the implementation of Section 508 in the Department. VA has created a link titled Section 508 Accessibility on its main website at <http://va.gov>. Throughout the proceeding chapters of this handbook, the aforementioned resources can be located by referring to: <http://www.va.gov/accessible>.

c. Section 508 is an integral part of the Department's business processes, and the benefits and services provided for persons with disabilities. VA's enterprise-wide strategy is executable within the resources currently available to meet this requirement.

2. Overview

a. VA considers accessibility to EIT a priority for all employees and external customers, including individuals with disabilities. Section 508 was enacted to eliminate barriers in information technology, to make new opportunities available for people with disabilities, and to encourage the development of technologies that will help achieve these goals.

b. All agencies must ensure that any EIT developed, procured, maintained, or used on or after June 21, 2001, conforms to the Section 508 EIT Accessibility Standards.

c. Helpful descriptions of certain disabling conditions that people may have which would affect their use of EIT as a disabled person are defined as:

(1) **Blind or Visually Impaired.** Web accessibility for people who are blind is a challenge since much of the Web is a visual interface. "Screen reader" software exists which translates code on Web pages into audio text if the pages are coded correctly. This software also 'reads' email, word processing documents, spreadsheets, etc.

(2) **Cognitive/Neurological Disabilities.** These individuals often benefit from information presented in short, discrete units and delivered in multi-modal formats.

(3) **Color Blindness.** People who are color blind have difficulties distinguishing between combinations of colors, and thus cannot operate EIT where color is the sole indicator of a function

(4) **Hearing Impairment.** Audio on the web and multimedia products must contain text transcripts or synchronized closed captioning to provide equivalent access to hearing impaired individuals. Software, kiosks, and telecommunications must provide a text alternative for all audible tones to confirm operations or indicate error conditions. This text alternative must provide equivalent information to the hearing impaired as that provided to the non-disabled public.

(5) **Physical Limitations/Motor Impairments.** This group of people is particularly impacted by the design of hardware and self-contained devices where controls are in difficult to reach positions.

(6) **Speech Impairment.** This group of people may have increasing difficulty as more EIT is started or controlled with speech recognition.

3. Responsibilities

a. **The Secretary of Veterans Affairs.** The Secretary has designated the Department's Assistant Secretary for Information and Technology, as VA Chief Information Officer (CIO), the senior agency official responsible for the Department's EIT programs.

b. **The Assistant Secretary for Information and Technology (VA CIO).** The Assistant Secretary for Information and Technology is responsible for integrated database business and EIT planning, evaluation and review of EIT projects, and education and awareness of EIT initiatives and legislation related to the implementation of EIT projects.

(1) The CIO has designated the Records Management Service (RMS) of the Enterprise Architecture Division (EA) to establish a Section 508 Coordinator. A Section 508 Advisory Board will be comprised of representatives from the three Administrations: Veterans Health Administration (VHA), Veterans Benefits Administration (VBA), and National Cemetery Administration (NCA), and other Staff Offices. The Section 508 Board will submit recommendations concerning the accessibility of EIT used by VA to the RMS which, in turn, will be submitted to the CIO.

(2) The RMS Section 508 Accessibility Testing and Training Center (T&TC) Team will be responsible for:

(a) Supervising the application of existing automated technologies to practical applications for veterans and employees with disabilities.

(b) Staffing and maintaining the Center which will test proposed EIT products for Section 508 conformance prior to their coming online with VA's Enterprise Architecture Framework.

(c) Making appropriate recommendations for needed changes, when necessary, to correct EIT product and system deficiencies.

(d) Providing technical support and assistance to employees with disabilities, their managers, and computer support personnel regarding interfacing accommodations solutions with VA's Enterprise Architecture Framework.

(e) Assisting the Austin Automation Center (AAC) and VHA Help Desk managers and computer support personnel with accommodation solutions

c. Section 508 Coordinator. The Section 508 Coordinator will Chair the Section 508 Advisory Board with members from VA Administrations and Staff Offices to address the six functional areas of IT outlined under the Access Board's EIT standards, and advise the CIO on any issues concerning nonconformant EIT that is being proposed or used by VA. In addition, the Section 508 Coordinator will:

(1) Work with the Chief Information Officer (CIO) to insure that the EIT that the VA procures, uses, maintains or develops meet the requirements of Section 508 while fulfilling the business needs of the VA.

(2) Hold ad hoc meetings, as required, in response to accessibility issues.

(3) Apply existing automated EIT to practical applications for employees with disabilities.

(4) Provide technical support and assistance for employees with disabilities, their managers, and computer support personnel.

(5) Assist managers of employees with disabilities in acquiring guidance on appropriate agency EIT resources, computer accommodations, and appropriate training on adaptive and non-adaptive systems.

(6) Ensure that the One-VA Enterprise Architecture Framework encompasses processes for testing and evaluating VA systems and applications to ensure they meet the Access Board's standards, and are conformant with these standards.

(7) Review and evaluate EIT requests for approval to ensure compliance with Section 508 and Office of Management and Budget (OMB) Exhibit 300 legislative requirements.

(8) Ensure participation in various programs and conferences associated with the implementation of Section 508 requirements.

(9) On a biennial basis federal agencies are required by the Department of Justice to complete a survey on how specific requirements in Section 508 were implemented within the department or agency. The Coordinator shall assist the Designated Agency Official in completing the survey. The results of which are reported to the President regarding accessibility of Federal EIT.

d. **Under Secretaries, Assistant Secretaries, and Other Key Officials.** These officials will assist the Deputy Assistant Secretary for Information and Technology to ensure that all managers are aware of EIT resources by preparing a yearly follow-up reminder to managers regarding the policy and procedures found in VA Directive and Handbook 6221, Accessible Electronic and Information Technology (EIT). These officials shall:

- (1) Procure EIT that best meets the Access Board's accessibility standards.
- (2) Include a detailed listing of cost of the OMB Exhibit 300 systems which would ensure the EIT procured, used, maintained or developed be Section 508 conformant.
- (3) Include an update of the annual IT Plan strategies to develop concept studies, or prepare requirements initiatives and functional performance requirements for employees with disabilities.
- (4) Develop initiatives to replace old technology and systems with new systems, and include these items in the annual IT Plan. Requirements for employees with disabilities should be described as part of the general requirements task.
- (5) Consult the individual employee with a disability, his/her manager, appropriate agency technical support staff at the Section 508 Accessibility Testing and Training Center, and the Department of Defense Computer/Electronic Accommodations Program (CAP) when determining specific computer accommodations or electronic office equipment solutions to best meet the employee's assistive technology needs.
- (6) Consider providing assistive technology to disabled VA employees through the Department's partnership with the Department of Defense CAP. For more information on CAP, visit the Resource section of the Section 508 web site at <http://www.va.gov/accessible>.

Chapter 2. SECTION 508: THE LAW

1. Summary of the Law

a. This chapter offers an overview of the guidelines of compliance and enforcement of Section 508.

b. On August 7, 1998, President Clinton signed into law the Workforce Investment Act of 1998 (Public Law 105-220) which includes the Rehabilitation Act Amendments of 1973 (29 U.S.C.794 (d). Section 508 of the Rehabilitation Act requires that when Federal agencies develop, procure, maintain, or use EIT, Federal employees with disabilities have access to and use of information and data that is comparable to the access and use by Federal employees who are not individuals with disabilities, unless an undue burden would be imposed on the agency. Section 508 also requires that individuals with disabilities, who are members of the public seeking information or services from a Federal agency, have access to and use of information and data that is comparable to that provided to the public who are not individuals with disabilities, unless an undue burden would be imposed on the agency.

c. Under Section 508 of the Rehabilitation Act, as amended (29 U.S.C. 794d) Public Law 106-246 (<http://va.gov/accessible>) agencies must provide employees and members of the public who have disabilities access to electronic and information technology that is comparable to the access available to employees and members of the public who are not individuals with disabilities. This law directed the Architectural and Transportation Barriers Compliance Board (Access Board) to develop and publish electronic and information technology (EIT) Accessibility Standards in the Federal Register on December 21, 2000. This law also provides for an administrative complaint process to enforce the accessibility standards with respect to EIT products procured by a Federal department or agency on or after June 21, 2001.

2. Enforcement and Effective Date

a. The law established an administrative process under which individuals with disabilities, including employees and members of the public, can file a complaint alleging that a Federal agency has not complied with the Section 508 standards. This process uses the same administrative complaint procedures established under section 504 of the Rehabilitation Act (which covers access to Federally funded programs and services). It provides injunctive relief to the prevailing party, but does not provide compensatory or punitive damages. Individuals may also file a civil action against an agency if they so choose. The enforcement provisions of Section 508 took effect six months from the date the Access Board published its final standards. The Board published its standards on December 21, 2000, making the enforcement provisions of Section 508 effective as of June 21, 2001.

b. By statute, the enforcement provisions of Section 508 apply only to EIT procured on or after June 21, 2001. As a result, Section 508 does not authorize complaints or lawsuits to retrofit technology procured before this date to meet the Board's standards. However, even though Section 508's enforcement mechanisms apply only to procurements, the law does require access to technology developed, used, or maintained by a Federal agency. Further, other sections of the Rehabilitation Act require access to Federal programs (Section 504) and accommodation of Federal employees with disabilities (Sections 501 and 504). Federal agencies will use the Board's Section 508 standards as a yardstick against which to measure compliance with these other sections of the law.

Chapter 3. The Roles of Key VA Stakeholders in Implementing Section 508

1. VA Roles and Responsibilities

a. This chapter defines VA organizational responsibilities for the implementation of Section 508 to disabled VA employees, veterans, and persons with disabilities who use VA's EIT the services and information. These responsibilities include incorporating the Section 508 requirements into practice as they relate to the development, use, procurement, or maintenance of EIT; managing administrative complaints; and responding to internal VA and DOJ reporting requirements.

b. Each component within VA is responsible for ensuring that the EIT they develop, use, maintain, or procure is accessible to people with disabilities, including employees and members of the public. Since the definition of EIT is broad in scope, and many agency components currently manage their own EIT (e.g., web pages, web applications, software, office equipment), the responsibility for meeting the Section 508 requirements needs to be decentralized. Each Administration or staff office is responsible for insuring that their EIT meets the applicable Section 508 requirements. The Section 508 Testing and Training Center within the Records Management Service was formed to assist the Administrations and Staff Offices to validate that the EIT being developed, procured or used meets the relevant standards of the law.

2. Agency Reporting Requirements. VA will report to the Department of Justice (DOJ) on a biennial basis the extent to which their electronic and information technology is accessible to VA employees and usable by disabled persons in the general public. The VA Records Management Service will be responsible for establishing and maintaining the report.

3. The VA Section 508 Accessibility Testing and Training Center (T&TC) will be responsible for establishing and maintaining a tracking report on all help desk inquiries relating to Section 508 and problem resolution for the Assistant Secretary for Information and Technology (VA CIO).

a. All communications relating to Section 504 issues will be referred to the appropriate office for processing.

b. A team of VA employees and contractors will test and evaluate electronic information technology for accessibility to assist VA Webmasters and developers with Section 508 conformance.

c. The T&TC will produce a report on the EIT being evaluated and will document areas of nonconformance within the EIT. These reports will be shared with the appropriate VA official or Program Manager who will assume the responsibility for correcting the deficiencies in the EIT prior to its deployment throughout the VA. In addition, all of the evaluations completed by the team will be archived and available by requesting a report from the VA Section 508 Coordinator.

d. Those individuals who are responsible for developing, procuring, maintaining, or using EIT and want to validate that their EIT meet the relevant Section 508 requirements can send an email to Section508@va.gov requesting an evaluation from the T&TC.

4. Contracting Officers and Contracting Specialists. The Contracting Officer is responsible for acquiring commercially available EIT that meets the applicable accessibility standards. The Contracting Officer will ensure that all statements of work (SOW) and purchase requests include applicable Section 508 language. In addition, the Contracting Officer will insert appropriate language into solicitations for EIT to communicate to Requiring Officials their responsibilities under Section 508.

a. The Contracting Officer will be responsible for ensuring that all documentation from the Requiring Officials regarding a claim for “undue burden” or “commercial non-availability” or any other approved exception to the standards is included in the contract file.

b. GSA has developed several online courses to assist procurement and requiring officials in understanding what they are required to complete before buying EIT for their Administration or Staff Offices. In addition, there is a short course for purchase card holders also available from the General Services Administration (GSA). Additional information about GSA and its related resources may be found at: <http://www.va.gov/accessible>.

5. Project Managers and Project Officers. It is the responsibility of project managers and officers to consider the accessibility requirements of Section 508 very early in the project life cycle. Building the accessibility requirements into the project from the beginning will enable the project manager and officer to select the proper development tools, and will ultimately save time and resources. It is recommended that the project manager/officer use and/or evaluate the system’s Standard Project Lifecycle (SPLC) and the Internet Project Lifecycle (IPLC). More information about SPLC and IPLC can be found on VA’s Section 508 accessible Web site.

a. The project manager and officer must document how the project will be Section 508 conformant if the project is being presented to the Enterprise Architecture Review Board. If a project manager/officer determines that it is not possible to make the project Section 508 conformant due to a significant difficulty or expense, the project manager/officer will be responsible for documenting why it is an “undue burden” and what alternative means that a person with a disability would use to gain access to the information and data.

6. Web Masters and Developers. It is the responsibility of all Web masters and application developers to develop and test their Web pages and applications for Section 508 conformance.

7. VA Section 508 Web Site. The Section 508 Web site is a repository of all the activities related to Section 508 within VA. It contains helpful information on the procurement process, forms for procurement and requiring officials to use when documenting a Section 508 exception and complaint procedures for filing a Section 508 complaint.

Chapter 4. BUDGET CONSIDERATIONS AND PROCEDURES FOR THE PROCUREMENT OF ELECTRONIC EQUIPMENT AND INFORMATION TECHNOLOGY (EIT)

1. **Budget Considerations.** This chapter gives projected cost estimates for making electronic and information technology (EIT) that is purchased, maintained, leased, or used conformant with the Section 508 standards.

a. The VA Section 508 Advisory Board established a policy that all VA components submitting EIT and non-EIT budgets are responsible for including the costs of making the EIT Section 508 conformant.

b. VA's procurement and related Federal Acquisition Regulations (FAR) guidelines recommend conducting market research to ascertain if additional costs would be incurred because of the Section 508 requirements. An analysis of projected costs should be included in the Department's fiscal year budgets. If these costs can not be adequately defined, the Section 508 Advisory Board recommends general cost guidelines based on the type of EIT. These general guidelines follow:

(1) **General Office software (Commercial off-the-shelf software):** The Access Board estimates a cost impact for this category ranging between 0 and 5%. The Section 508 Advisory Board recommends that the procurement official consider an additional allocation of 3% to the existing budget for this category if your FY 2005-2010 budget includes this category of software.

(2) **Mission Specific software (Developed or modified for or by VA):** The Access Board estimates a cost impact for this category ranging between 1 and 5%. The Section 508 Advisory Board recommends that the VA consider an additional allocation of 5% to the existing budget for this category if the FY 2005-2010 budget includes mission specific software expenditures.

(3) **Technical Support and Services:** The Access Board estimates a cost impact for this category ranging between 0 and 5%. The Section 508 Advisory Board recommends that the VA consider an additional allocation of 3% to its existing budget for this category if the VA FY 2005-2010 budget includes technical support and services.

(4) **Document Management and Copiers:** The Access Board estimates a cost impact for this category ranging between 5 and 20%. The Section 508 Advisory Board recommends that the VA consider an additional allocation of 12.5% to its existing budget for this category if the FY 2005-2010 budget includes document management and copiers.

(5) **Hardware (printers, faxes & kiosks):** The Access Board estimates a cost impact for this category ranging between 0 and 5%. The Section 508 Advisory Board recommends that the VA consider an additional allocation of 2.5% to its existing budget for this category if the FY 2005-2010 budget includes hardware.

(6) **Video and Multimedia:** Under Section 508 requirements all pre-recorded or live programming that supports the agency's mission must be captioned. The Access Board estimates that this will cost between \$800 and \$2,500 per hour of pre-recorded material, and \$150 to \$1,200 per hour of live programming. In addition, video and multimedia programs which support the agency's mission must be audio described to allow accessibility to persons with visual impairments. For full-length programs, the Board estimates a cost of \$4,000 per program hour. For short pieces of 5 to 20 minutes, the Board estimates \$1,460 to \$4,000 per program. The VA should use these general estimates to allocate the additional cost of making video and multimedia programming accessible in its FY 2005-2010 procurements and service contracts.

c. The potential costs related to Section 508 must be considered in all future EIT and non-EIT budgets.

2. Procedures for the Procurement of EIT. This section covers acquisition planning, developing the Statement of Work (SOW), conducting market research, documenting EIT exceptions, and performing an Independent Government Cost Estimate (IGCE) regarding the procurement of accessible EIT. When purchasing EIT, the requesting party should be sufficiently familiar with the requirements of Section 508 so that it proceeds appropriately. Buyers should be aware that there is no recognized certification body relative to the Section 508 requirements. All procurements must include language that requires the vendor to address the service's or product's conformance with Section 508. Since there are no industry standards for conformance, interpretations that satisfy the requirements may vary. The conformance standards to be followed are the U.S. Access Board's Electronic and Information Technology Accessibility Standards. When procuring EIT, however, there are three general criteria which should be considered. These criteria are as follows:

a. In accordance with the Federal Acquisition Regulation (FAR) Part 7.103, acquisition planning begins as soon as a program need is identified and it becomes obvious that the need must be met by acquiring products or services outside the Government for EIT. Thus, the acquisition planning begins in the individual program office. The Contracting Officer shall be contacted to provide assistance during this phase of the process, particularly when complex projects are identified. Acquisition planning at the program office level is one of the most important elements in the procurement process. Good planning is one of the best ways of ensuring that products or services to be procured will be acquired in the most efficient way.

b. Prior to submitting the acquisition package for processing, the program office must complete several actions. The program office will obtain approvals from Office of Information and Technology (OI&T) in accordance with current IT acquisition policy and procedures. In addition, the program office will perform requirements under FAR Part 10.001 (3) (vii), Market Research, FAR Part 11.002 (f) and Part 12.202, Acquisition of Commercial Items Describing Agency Needs, as well as developing the SOW to include Section 508 standards, technical evaluation plan, source selection plan, special instructions, Government estimate, period of performance, and other provisions needed for the specific contract.

c. The requiring office will identify if the requirement meets EIT exceptions. If any of these exceptions apply, the exceptions will be documented and forwarded to the appropriate

organization CIO for approval. If the EIT being requested meets the relevance Section 508 and VA business requirements then the EIT may be purchased.

d. The program office will obtain all approvals, prepare all supporting documentation, and submit that information to the Contracting Officer to take necessary steps for soliciting and awarding a Section 508 compliant contract.

e. To receive additional guidance on documentation and regulations, visit the Section 508 Web site.

3. Market Research. Market research is a regulatory requirement and part of acquisition planning within VA Central Office (VACO). Market research is conducted to determine if commercial sources are capable of satisfying the Department's requirements, and to determine the availability of commercial items or, in their absence, proprietary items to meet VA's business needs. Market research is also conducted, when necessary, to learn the practices of firms engaged in producing, distributing, and supporting commercial items such as terms for warranties, maintenance, and packaging. Under the BUY ACCESSIBLE link on GSA's Web site, vendors have been identified that provide Section 508 conformant products and services.

a. The extent of market research will vary, depending on such factors as urgency, estimated dollar value, complexity, and past experience. The responsibility for conducting market research falls mainly on the Requiring Official as part of their acquisition planning.

b. The Requiring Official and the Contracting Officer conduct market research by:

(1) Reviewing the results of similar market research performed to meet similar or identical contract requirements.

(2) Querying Government databases that provide information relevant to agency acquisitions.

(3) Contacting individuals in Government and industry regarding market capabilities to meet requirements.

(4) Obtaining source lists of similar items or services from other contracting organizations, trade associations, or other sources.

(5) Conducting meetings or exchanges with knowledgeable industry representatives early in the acquisition process.

(6) Reviewing catalogs and other generally available product literature published by manufacturers and distributors, asking specific questions, and requesting a demonstration of accessibility features.

4. **Developing Specifications or Statements of Work (SOW).** Specifications shall state only the Government's actual minimum needs, and be designed to promote full and open competition. Specifications generally suggest goods while a SOW suggests services. The SOW describes the task the contractor is required to perform as part of the acquisition planning and frequently contains technical details beyond the knowledge of the Contracting Officer. This level of technical detail supports the Contracting Officer's efforts to meet Section 508 requirements. Specifications and SOWs fulfill the following purposes:

- a. Describe what the Government wants;
- b. Provide the baseline for evaluating the contractor's proposals;
- c. Stimulate vendor interests; and
- d. Provide the baseline for monitoring the contractor's performance during the contract administration phase.

5. **Independent Government Cost Estimate (IGCE).** An IGCE is required for all actions regardless of whether price competition will be obtained. The IGCE is required to assist in determining if prices offered are fair and reasonable; ensure they reflect an understanding of the Government's requirements; and that prices are within the program's budget. IGCEs are critical to the acquisition process. To be of substantive value, they must be genuinely independent. Requiring Officials must not contact potential vendors to elicit information to help develop their cost estimate.

a. Further details on the preparation of IGCEs, including a sample format, are provided in the Library section under archived documents on the VA Section 508 Web site. Contact the contracting office for any additional information and details to ensure compliance with Section 508 in accordance with the Access Board Standards.

b. For procurement related questions regarding Section 508, contact the Section 508 Mailbox at Section508@va.gov.

6. **Web pages developed, procured, or maintained for the Intranet and Internet.** A Web site must be designed to support the widest range of potential users and computing platforms, and be fully conformant with the Access Board's Standards, and compliant with the policy found in VA Directive 6102, Internet/Intranet Services. VA Directive 6102 provides policy with regard to the planning, designing, maintenance, support, and any other functions related to the administration of VA Internet/Intranet Web sites. The Section 508 law requires that any Web pages developed, procured, or maintained on or after June 21, 2001, meet the 16 Section 508 EIT Accessibility Standards. Webmasters and developers should develop, test, and repair their Web pages using Section 508 Web diagnostic and repair software such as Watchfire, InFocus, and InSight by SSB Technologies, and AccMonitor by HiSoftware Solutions, or contact the VA Web Operations group to test their Web pages for conformance.

7. Maintenance of Existing EIT. Section 508 and the FAR (at section 39.204) require all EIT systems or products maintained be Section 508 conformant. There is no legal requirement to retrofit legacy EIT systems acquired prior to 2001, provided those systems are not upgraded. Once a legacy system is upgraded (e.g. changing a mainframe system to a web-based application) the entire system must meet the relevant Section 508 requirements that relate to that system.

8. Maintenance of Internally Developed Applications. Applications that are developed internally and do not involve any procurement action after June 21, 2001, are not required to be Section 508 conformant. However, if an employee with disabilities requests access to information from that application, the EIT owner must provide it in an accessible format. Furthermore, if an application is "significantly" revised/upgraded (i.e., 30% or more of the screens are being modified), the entire application must be rewritten to meet Section 508 EIT Accessibility Standards.

9. Procurement of Maintenance Renewals for Existing EIT

a. Software maintenance renewals for EIT that were purchased before June 21, 2001, are not required to meet Section 508 EIT Accessibility Standards unless "upgrades" and/or "new versions" of the software are part of the renewal contract. The vendor will be required to address how they meet the Section 508 EIT Accessibility Standards when they release new software versions to the agency.

b. A contract for maintenance renewal for existing hardware that was purchased prior to June 21, 2001, does not have to meet Section 508 EIT Accessibility Standards if the products (e.g., computer systems, printers) are being replaced with the same make and model that was purchased prior to June 21, 2001.

c. For EIT products that are substituted or upgraded (i.e., the maintenance vendor is going to replace an older printer with a new model), Section 508 EIT Accessibility Standards apply. The applicable Section 508 Accessibility Standards should be added to the maintenance renewal contract for EIT products that are substituted or upgraded by the vendor.

Chapter 5. VA SECTION 508 TRAINING

1. **VA Section 508 Training.** This chapter provides information on where to obtain training on the various aspects of Section 508 implementation with appropriate resource and contact information. You will also find material to help better understand and conform to Section 508 requirements which will make the Department compliant with this important legislation. Most VA-related training will be conducted via on-line courses or interactive Web site courses which will be announced on the accessible Web site. The Web site will also have information on 508 training opportunities at the General Services Administration's Center for IT Accommodations (CITA), Department of Justice, Access Board, and Department of Education. All of these agencies provide training which consists of on-line, classroom, or multimedia based training on CD-ROM or DVD.

a. There are several sources of training to help staff better understand and comply with Section 508 requirements.

b. For more in-depth, detailed information than that presented below, contact VA's Section 508 Coordinator through the Section 508 mailbox at Section508@va.gov.

2. **Implementation of Section 508 Training and Awareness throughout VA.** VA employees will receive comprehensive guidance on strategies to conform to the Access Board's EIT Standards for compliance with Section 508 of the Rehabilitation Act, as amended.

a. The Section 508 Accessibility Testing and Training Center (T&TC) Team is comprised of subject matter experts who are responsible for promoting education and awareness of Section 508 throughout the Department. In addition, the Section 508 Test Team provides verification that all EIT developed, used, procured, or maintained meet the Section 508 legal requirements. Much of the work that is implemented is accomplished in VA's Section 508 Accessibility T&TC.

b. The Section 508 Accessibility T&TC Team is partnering with the VA Learning University (VALU) and the Employee Education Service (EES) to produce a thorough and well developed Section 508 curriculum to inform employees at VACO and other VA organizations about Section 508.

c. Members of the Section 508 T&TC Team will also travel to VA regional offices to conduct Section 508 introductory, legal, procurement, and Web page design training in established VA conferences and seminars. The Section 508 T&TC Team will provide connectivity to field personnel to augment their Section 508 procurement and Web page design training on an on-going basis. In order to promote effective use of access technologies designed to meet the EIT needs of VA employees, veterans with disabilities, and others who access VA's internal and external Web sites, the Section 508 Team will also provide needs assessments and appropriate technical support assistance to Section 508 Advisory Board members, employees with disabilities, and their managers. In addition, the Team will partner with the DOD CAP and GSA's CITA programs to provide needs assessments, access equipment recommendations, and training to VA employees with disabilities in VACO and at VA field facilities at no cost to the Department.

d. The Section 508 Accessibility Testing and Training Center Team will work with the appropriate program managers and through the Milestone Review Process to identify the resources necessary to enable subject matter experts from the Section 508 Advisory Board to interface with focus groups at VACO. In addition, subject matter experts using our list serve will supply appropriate individuals in VA field offices with supplemental training and updated information regarding Section 508 implementation issues. The list serve is located at section508info-l@www.listserv.va.gov and instructions for joining this list serve can be found on our Section 508 web site. Although the implementation of Section 508 is an unfunded mandate, the financial resources needed to implement these legal requirements can be procured by establishing 508 as an integral part of the program management plan.

3. VA Employee Training Information and Contacts.

a. The Office of Information and Technology's Records Management Service will advise and assist Section 508 subcommittees to carry out planned education and awareness activities on a nationwide basis. In order to ensure that Section 508 training is carried out on an on-going basis, staff members of the Section 508 Accessibility Testing and Training Center will operate a Help Desk and handle Section 508 inquiries and technical IT accessibility problems not resolved by field facility personnel.

b. The Section 508 Advisory Board recommends the T&TC have individuals well versed in the use of adaptive technologies and accessible Web page design available to assist VA webmasters in helping to diagnose errors in web page design which will be reported to the responsible webmaster. Watchfire and other automated tools will be used to evaluate VA websites and reports detailing Section 508 violations will be e-mailed out to designated points of contact.

Chapter 6. ADMINISTRATIVE COMPLAINT PROCESS AND RESOLUTION

1. **Administrative Complaint Process and Resolution.** This chapter discusses the VA complaint process and explains how to file an administrative Section 508 complaint. Also addressed are important details related to the informal resolution of Section 508 complaints. Violations of the accessibility standards established pursuant to Section 508 are enforceable only in connection with EIT products procured by a Federal agency on or after June 21, 2001.

2. **Complaint Notification.** Disabled Federal employees or disabled members of the public may file Section 508 complaints. Any individual with a disability may file a complaint alleging that a Federal agency failed to comply with Section 508 in providing accessible EIT. In such cases, personal damages (personal compensation) are not available. A proven case of non-compliance with the pertinent accessibility standards is required and the remedy sought is to make the EIT product Section 508 conformant. Lawsuits may also be filed in an appropriate United States District Court where, in addition to injunctive relief, attorney's fees may be awarded with respect to a successful Section 508 claim. Although Section 508 follows the approved Section 504 complaint process, the Equal Employment Opportunity Commission (EEOC) does not have jurisdiction over Section 508 complaints.

3. VA Complaint Process.

a. All Section 508 administrative complaints will follow the established procedures for Section 504 complaints. The complaint process for Section 504 complaints is set forth in Part 15 of Title 38 of the Code of Federal Regulations at 38 C.F.R. § 15.170. In summary, this process provides that the agency shall investigate all complaints over which it has jurisdiction and, within 180 days, issue findings of fact and conclusions of law; a proposed remedy, if appropriate; and a notice of appeal to the Secretary.

b. The Deputy Assistant Secretary for Resolution Management is delegated the responsibility for coordinating implementation of the Section 504 complaint process. The Office of Resolution Management (ORM) is, therefore, the recipient for the filing of all Section 508 complaints. Following current protocol for processing Section 504 complaints, Section 508 complaints will be forwarded to the appropriate VA official or organization responsible for procuring the alleged non-conforming product for further processing, investigation, and a decision on the complaint. Although the processes for filing Section 504 and 508 complaints are similar, they differ slightly because the enforcement of Section 508 centers on procurement and the application of a technical compliance regulation, rather than on employment or a VA program or activity which might be alleged to be inaccessible under Section 504.

4. Complaint Filing Guidelines for Section 508.

a. Complaint filing guidelines are found on VA's accessible Web site.

b. The Section 508 Complaint Guidelines are based on recommendations made by the Section 508 Advisory Board personnel who recommended that Under Secretaries, Assistant Secretaries, and Other Key Officials responsible for procuring the alleged non-conformant EIT

be responsible for conducting an investigation and advising the responsible VA official that the EIT be brought under conformance with the standards.

5. Informal Resolution of Section 508 Complaints. VA strongly encourages all individuals with disabilities to bring their accessibility concerns to the attention of the appropriate VA official responsible for the alleged Section 508 non-conforming EIT product so that the problem can be resolved informally and promptly. If a Web site is involved, the designated Webmaster should be contacted about the accessibility problem. If an EIT product other than a Web site is involved, the appropriate organizational official responsible for procuring the alleged non-conforming product should be contacted. All mutually agreeable and available alternative dispute resolution techniques should be considered. Once resolved, the terms of the settlement agreement should be reduced to a written agreement and be made part of the complaint file.