

ACCESSIBLE ELECTRONIC AND INFORMATION TECHNOLOGY (EIT)

1. REASON FOR ISSUE: This directive revises policy and assigns administrative responsibility to the Assistant Secretary for Information and Technology (CIO) to ensure that VA's electronic and information technology (EIT) is accessible by VA employees and members of the public with disabilities. This directive implements Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended by the Workforce Investment Act of 1998, Public Law 105-220.

2. SUMMARY OF CONTENTS/MAJOR CHANGES: This directive is being reissued to set forth, in more detail, the responsibilities for implementing and managing the Department-wide Section 508 Program.

3. RESPONSIBLE OFFICE: The Office of the Assistant Secretary for Information and Technology (005), Office of Enterprise Development (005Q), Software Engineering Office, Standards and Compliance Services, VA Section 508 Program Office is responsible for the material contained in this directive.

4. RELATED HANDBOOK: VA Handbook 6221, Accessible Electronic and Information Technology.

5. RESCISSION: VA Directive 6221, Accessible Electronic and Information Technology, dated December 9, 2005.

CERTIFIED BY:

/S/
Robert Howard
Assistant Secretary
for Information and Technology

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

/S/
Robert Howard
Assistant Secretary
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Distribution: Electronic Only

ACCESSIBLE ELECTRONIC AND INFORMATION TECHNOLOGY

1. PURPOSE AND SCOPE

a. This directive provides VA-wide policy to ensure that VA employees and members of the general public with disabilities have access to and use of VA's electronic and information technology (EIT) comparable to that provided to non-disabled persons. This is in compliance with Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended by the Workforce Investment Act of 1998 (Public Law 105-220).

b. Section 508 of the Rehabilitation Act of 1973, as amended, requires that all EIT developed, procured, maintained or used by Federal agencies on or after June 21, 2001, must meet EIT accessibility standards developed by the Architectural and Transportation Barriers Compliance Board (Access Board), as set forth at 36 CFR Part 1194. The law also requires Federal agencies to ensure that individuals with disabilities who are Federal employees or members of the public seeking information or services from a Federal agency, have access to and use of information and data comparable to that provided to Federal employees or members of the public who are not individuals with disabilities, unless an undue burden would be imposed on the agency.

c. This policy supports one of the goals of VA's Strategic Plan: "To create an environment that fosters the delivery of One-VA world class service to VA employees, veterans and their families through effective communication and management of people, technology, business processes, and financial resources."

2. POLICY

a. VA shall implement the Department-wide Section 508 Program through the VA 508 Program Office within the Office of Information and Technology (005).

b. VA will ensure that all employees and members of the public with disabilities have access to and use of information and data consistent with requirements of Section 508 of the Rehabilitation Act, as amended.

c. VA will meet EIT accessibility standards developed by the Access Board.

3. RESPONSIBILITIES:

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

b. The Assistant Secretary for Information and Technology. The Assistant Secretary for Information and Technology, as the VA CIO shall:

(1) Establish the Department's Section 508 Office within OI&T. This office will be responsible for running and managing the Section 508 Program for VA, to ensure that the requirements of this directive are complied with and that Section 508 compliance is incorporated in EIT system development reviews and EIT procurements.

(2) Ensure internal policies and procedures are developed to provide accessible EIT resources, data and computer support to employees with disabilities.

(3) Ensure the One-VA Enterprise Architecture Framework encompasses a process for testing and evaluating VA systems and applications to ensure they meet the Access Board's accessibility standards and are in compliance with legislative requirements of Section 508.

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

(5) Append to IT managers' performance elements a statement ensuring awareness of and compliance with VA Directive 6221.

(6) Ensure existing automated EIT is applied to practical applications for employees and veterans with disabilities and keep abreast of sophisticated technologies useful to individuals with disabilities.

(7) Ensure technical support and assistance is provided to employees with disabilities, their managers and computer support personnel; and ensure assistance in interfacing accommodations with VA's Enterprise Architecture infrastructure through our Section 508 Accessibility Testing and Training Center. In addition, establish a hotline to serve disabled veterans and employees with disabilities and their managers regarding section 508 accommodations, and refer any general access concerns (including how to obtain a reasonable accommodation) to the Deputy Assistant Secretary for Diversity Management and Equal Employment Opportunity, who has responsibility for administering the Department's reasonable accommodations process.

(8) Ensure assistance is provided for managers of employees with disabilities in acquiring guidance on appropriate agency EIT resources, computer accommodations, and adaptive and non-adaptive systems training.

(9) Ensure VA Directive 6221, related handbooks and/or associated documents are kept current.

(10) Ensure all VA requests for exceptions and/or exemptions to Section 508 requirements are evaluated and approved/disapproved.

(11) Respond to the Department of Justice Attorney General's biennial report to the President on the Section 508 survey regarding accessibility of Federal EIT.

(12) Ensure Section 508 Awareness Training is provided.

(13) Ensure that this directive is provided in accessible formats on VA's accessibility website at www.va.gov/accessible.

(14) Designate the Department's Section 508 Coordinator within the Office of Enterprise Development's Software Engineering Office.

(15) Establish a Section 508 Advisory Board with members from VA's administrations and staff offices to address all functional areas outlined under the Access Board's accessibility standards.

c. VA's Section 508 Program Office and the Department's Section 508 Coordinator shall:

(1) Develop, review, and coordinate accessibility policy in conjunction with policy efforts by all VA administrations and staff offices.

(2) Establish Department-wide requirements and monitor compliance with all Section 508 laws, regulations, and guidance.

(3) Serve as Chairman for the Section 508 Advisory Committee and serve as a participant to the Section 508 Working Group.

(4) Provide status reports to the CIO and prepare agency responses to surveys from the Department of Justice and OMB.

(5) Provide Section 508 awareness training.

(6) Attend General Services Administration's (GSA) Center for IT Accommodations interagency meetings, Section 508 workgroup meetings, and other related conferences and forums on IT accessibility.

(7) Oversee all VA Section 508 initiatives.

(8) Grant final approval/disapproval of requests for exemptions or exceptions for all VA EIT systems and procurements.

(9) Collaborate with the Office of Diversity Management and Equal Employment Opportunity (through the national program manager for people with disabilities) to ensure that VA employees who require adaptive technology as a form of accommodation receive appropriate guidance.

(10) Serve as a technical reviewer on the IT Tracker for Section 508 compliance to assure that hardware and software purchased by OPS is 508 compliant. Items passing all technical reviews (508, telecom, security, engineering, architecture) are placed on a "VA Approved list" and others can purchase the same item without having to pass a second time.

d. The Section 508 Advisory Board. The Board shall:

(1) Make recommendations and develop policies and procedures to implement requirements of the Rehabilitation Act, as amended.

(2) Provide recommendations on how to fully integrate Section 508 accessibility requirements into VA's Strategic and IT Investment Management Plans and acquisition processes.

(3) Provide recommendations and conduct training and awareness seminars regarding Section 508 requirements.

(4) Identify current needs in response to accessibility issues, and make recommendations on solutions to EIT deficiencies that impact persons with disabilities.

e. The Assistant Secretary for Management. The Assistant Secretary for Management shall designate the Deputy Assistant Secretary for Acquisition and Logistics responsible for developing policy and procedures that ensure VA's EIT procurements comply with Section 508 requirements by obtaining input from VA's Section 508 Division.

f. The Assistant Secretary for Human Resources and Administration. The Assistant Secretary for Human Resources and Administration shall designate the Deputy Assistant Secretary for Diversity Management and Equal Employment Opportunity to work with the Assistant Secretary for Information and Technology to ensure there is continuity between the two offices responsible for the Department's compliance with sections 504 and 508 of the Rehabilitation Act of 1973.

g. Under Secretaries, Assistant Secretaries, and Other Key Officials will:

(1) Procure EIT that best meets accessibility standards developed by the Access Board.

(2) Include funds in their IT budgets (OMB Exhibit 300) to support procurement, development and maintenance of EIT in compliance with Section 508 requirements.

(3) Ensure that all systems and applications developed, procured, maintained or used by VA have been coordinated, analyzed, tested and evaluated by the Department's Section 508 program office for conformance with the legislative requirements of Section 508, including those which have been updated or modified after June 21, 2001.

(4) Adhere to established enterprise-wide policies and procedures.

(5) Obtain sign off from the VA's 508 program office validating administration/staff office conformance of EIT to the 508 standards.

(6) Report all organizational level 508 initiatives to the Departments Section 508 program office.

(7) Submit all requests for organizational level waivers, exemptions, and exceptions to the Department's 508 program office for final review/approval.

(8) Provide documentation, including Statements of Work (SOW), with relevant Section 508 language which verifies that all systems fully meet Section 508 legislation, as amended, and the One-VA Enterprise Architecture Framework requirements.

(9) Update their annual Strategic Plan to include strategies to develop concept studies or prepare requirement initiatives and functional performance requirements for employees with disabilities.

(10) Work with employees with disabilities in consultation with the Office of Diversity Management and Equal Employment Opportunity and the Section 508 Program Office to ensure that the affected employee receives an appropriate reasonable accommodation.

4. REFERENCES

a. Clinger-Cohen Act of 1996.

b. Federal Acquisition Regulation – Final FAR Ruling 48 CFR Parts 2, 7, 10, 11, 12, and 39 (FAC 97-27; FAR Case 1999-607).

c. Public Law 105-220, Workforce Investment Act of 1998, Amendment to Section 508 of the Rehabilitation Act (29 USC 794d).

d. Public Law 106-246, Amendment to Section 508 of the Rehabilitation Act (FY 2001 Appropriation for Military Construction).

e. 36 CFR Part 1194, Electronic and Information Technology Accessibility Standards.

f. Section 504 of the Rehabilitation Act of 1973, as amended.

g. 29 CFR Part 32, Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance.

h. VA Directive 5975, Diversity Management and Equal Employment Opportunity.

i. VA Directive 5975.1, Processing Requests for Reasonable Accommodation by Employees and Applicants with Disabilities.

j. Human Resources Information Letter No. 05-07-04, Employment of Persons with Disabilities.

5. DEFINITIONS

a. **Computer Accommodation.** Computer accommodation is a specific category of reasonable accommodation which relates to the acquisition or modification of workstations, software, or electronic office equipment to accommodate the known physical or cognitive limitations of employees with disabilities, through the provision of VA EIT resources, unless VA demonstrates that the requested accommodation would impose an undue hardship on the operation of the program.

b. **Reasonable Accommodation.** An adjustment to job duties or to the work environment that assists a qualified individual with a disability in performing the essential duties of his or her position; or a modification of or adjustment to the job application process that enables a qualified person with a disability to be considered for the position sought. Reasonable accommodations may include but are not limited to:

- (1) Making facilities readily accessible to, and usable by, individuals with disabilities;
- (2) Job restructuring;
- (3) Allowing a part-time or modified work schedule,
- (4) Obtaining or modifying equipment or devices;
- (5) Appropriately adjusting or modifying examinations and training materials;
- (6) Providing readers, interpreters, and other auxiliary aids;
- (7) Ensuring that all contracts for use of external facilities reflect the obligation that such facilities are accessible to qualified individuals with disabilities; and
- (8) Reassignment to another position.

c. **Electronic and Information Technology (EIT).** This includes, but is not limited to, telecommunications products (such as telephones); information kiosks and transaction machines; Web sites; multimedia products; office equipment such as copiers and fax machines; computers; ancillary equipment; software; firmware; and similar products, services (including support services), and related resources.

d. **Employee with Disabilities.** A person who has a physical or cognitive impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. In general, this includes individuals with significant vision, hearing, dexterity, cognitive, or mobility impairment.