




December 4, 2002

OEOP- 001- 02
(Supersedes OEOP- 004- 01)

**MEMORANDUM FOR BUREAU EEO OFFICERS
TREASURY COMPLAINT CENTER DIRECTORS**

FROM: Marcia H. Coates 
Director
Office of Equal Opportunity Program

SUBJECT: Interim Processing Procedures for Section 508 Complaints

I. **Purpose.** On June 18, 2001, OEOP issued numbered memorandum OEOP-004-01 outlining the Department's 508 complaint process. This memorandum supersedes and replaces that numbered memorandum.

II. **Authority.** Section 508 of the Rehabilitation Act of 1973, as amended, provides that persons with disabilities may file administrative complaints with Federal agencies or file lawsuits in Federal court. Agencies' procedures for handling and resolving Section 508 complaints must be patterned after the complaint procedures established to implement Section 504 for resolving allegations of discrimination in a federally conducted program or activity. Treasury's 504 complaint procedures are found at 31 CFR 17.170. We are revising those regulations to incorporate 508 complaints, to correct outdated citations, and to replace references to outdated office titles. The following information is provided as interim procedures for the processing of complaints of nondiscrimination under Section 508 of the Rehabilitation Act of 1973, as amended, until the revised regulations are finalized.

III. **Background.** Section 508 requires Federal agencies to ensure that the electronic and information technology (EIT) they procure allows individuals with disabilities access to EIT comparable to the access of those who are not disabled, unless the agency would incur an undue hardship. The statute was amended by the Workforce Investment Act of 1998 to add enforcement provisions and to require agencies to add a complaint process for Section 508. That amendment requires Federal departments and agencies to develop, procure, maintain, or use EIT to ensure that Federal employees and members of the public with disabilities have access to and use of information and data, comparable to that of the employees and members of the public without disabilities— unless it is an undue burden to do so.

In general, an EIT system is accessible to people with disabilities if it can be used in a variety of ways that do not depend on a single sense or ability. For example, a system that provides output only in audio format would not be accessible to people with hearing impairments, and a system that requires mouse actions to navigate would not be accessible to people who cannot use a mouse because of a dexterity or other impairment. Section 508 focuses on the **overall accessibility** of EIT systems, not on providing accommodations at individual worksites (Section 501 of the Rehabilitation Act requires Federal agencies to provide reasonable accommodations for individuals with disabilities). Even with an accessible system, individuals with disabilities may still need specific accessibility-related software or peripheral devices as an accommodation to be able to use it. For example, in order to use an accessible word-processing program, a person who is blind may need add-on software that reads text aloud; if the word-processing program could not be made compatible with a screen-reading program, it might not be accessible. Finally, it should be noted that Section 508 in no way replaces or otherwise limits the rights or remedies available under any of the other existing Federal laws that protect the rights of persons with disabilities.

A copy of Section 508, frequently asked questions, and other valuable information is available at <http://www.section508.gov> and <http://www.access-board.gov> to assist in understanding and implementing Section 508.

IV. Complaint Procedures. Members of the general public or employees or applicants for employment with Treasury who are disabled and wish to file a non-employment related complaint that Treasury is in noncompliance with Section 508 should follow the procedures outlined in Attachment A. Treasury employees or applicants for employment who wish to file an employment related complaint under 508 should follow the procedures outlined in Attachment B.

V. Bureau Responsibilities. Please provide this information to your employees and the general public, and post it on your internal and external web sites.

DISTRIBUTION: Deputy Assistant Secretary (HR), Bureau EEO Officers, Office of General Counsel, Office of Personnel Policy, Treasury Complaint Center Directors, and the Office of the Chief Information Officer.

INQUIRIES: Technical compliance questions should be directed to Bureau 508 coordinators or the Office of the Department's Chief Information Officer (CIO). Questions concerning the 508 complaint process should be directed to John Hanberry, Assistant Director, Civil Rights, at (202) 622-0323 or at John.Hanberry@do.treas.gov.

EXPIRES: When superseded.

Treasury's Interim 508 *Non-Employment Related* Complaint Processing Procedures

If you are a member of the general public or an employee or applicant for employment with Treasury who is disabled and wish to file a ***non-employment related complaint*** that the Treasury Department is in noncompliance with Section 508, please follow the below procedures.

Members of the Public Who are Disabled and Wish to File a Discrimination Complaint: If you are a member of the public or an employee or applicant for employment with Treasury who is disabled and wish to file a complaint of noncompliance with Section 508 of the Rehabilitation Act of 1973, as amended, you may send a signed, written complaint within 180 days of the incident that gave rise to the complaint to the following address:

Department of the Treasury
Office of Equal Opportunity Program
1500 Pennsylvania Avenue, NW
Room 6071 Metropolitan Square
Washington, DC 20220

Your complaint should include sufficient details of the alleged Section 508 violation that will enable the Office of Equal Opportunity Program to understand what occurred, where and when it occurred, and the responsible Treasury organization, if known. If it is a complete complaint, as defined in 31 CFR § 17.103 (d), over which the Department has jurisdiction, it will be accepted for investigation. Treasury will investigate your complaint and attempt resolution. If no resolution is achieved, a letter of findings will be issued, notifying you of the results of the investigation. If you disagree with the letter of findings, you will be provided with administrative appeal procedures. If you appeal the letter of findings, Treasury will issue a final decision based on the entire record. This decision will set forth the findings, remedial action required, if any, and reasons for the decision.

Alternative Means of Filing a Complaint: Treasury will provide appropriate assistance to complainants who may need help in filing their complaint, and will consider complaints filed in alternate formats. For example, a complainant with a disability may file a complaint electronically, by audiotape, in Braille, or in some other format. Electronic complaints should be sent to OEOPweb@do.treas.gov. Additionally, oral complaints will be considered if the complainant is unable to write and cannot have someone write out the complaint for him or her. To file a complaint telephonically, complainants should call 1-877-336-4577 or TTY 1-877-336-6618.

ATTACHMENT A

Treasury's Interim *Employment Related* 508 Complaint Processing Procedures for Employees and Applicants

If you are a Treasury employee or applicant for employment with a disability, and wish to file a complaint of discrimination based on Section 508 with respect to an employment issue with Treasury, please contact the EEO Officer in the bureau where you are employed, or where you applied for a position.

In accordance with 31 CFR § 17.170 (b), complaints alleging violations with respect to employment will be processed in accordance with the procedures established by the Equal Employment Opportunity Commission in 29 CFR part 1614, pursuant to Section 501 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 791).

ATTACHMENT B