



FDIC DIRECTIVE

2711.1

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See approval(s) on Action Log

Information and Communication Technology (ICT) Accessibility Pursuant to Section 508 of the Rehabilitation Act of 1973

PURPOSE

To provide policy that supports the FDIC's commitment to ensure Information and Communication Technology (ICT) is accessible to persons with disabilities.

SCOPE

The provisions outlined in this Directive apply to all employees and contractor personnel responsible for developing, procuring, maintaining, or using ICT at the FDIC.

AUTHORITIES

- FDIC [2710.15, Accessibility to FDIC Programs and Activities](#)
- Information and Communication Technology Standards and Guidelines, 36 C.F.R. Part 1194
- Nondiscrimination on the Basis of Disability, 12 C.F.R Part 352
- Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794d) ("Section 508"), as amended in 1998

FORM(S)

FDIC [3700/53, Section 508 Exception Request](#)

REVISION(S)

This Directive supersedes 2711.1, Electronic and Information Technology (EIT) Accessibility Pursuant to Section 508 of the Rehabilitation Act, dated September 27, 2007.

Action Log

Submission Type <i>(New, Pedestrian Change, Revision)</i>	Date	Approval
Revision	01/23/2019	Approved through the Directives Management Center

Summary of Changes

The changes in this updated Directive reflect the revised Standards for Section 508 of the Rehabilitation Act (“Technical Standards”) published in the Federal Register at: 82 Fed Reg 5790 (January 18, 2017). The Technical Standards change the name of the covered technology from “Electronic and Information Technology” to “Information and Communication Technology.”

In the Policy section:

- B.1. adds the new transitional exception pursuant to the revised Technical Standards.
- C. (1) incorporates the appropriate FDIC (non-EEOC) discrimination complaint process.

The most significant changes are made to the Responsibilities section of this directive:

- A and B separate the responsibilities of the Director of the Division of Information Technology (DIT) from the duties of the Chief Information Officer (CIO).
- A. (3) was added pursuant to E203.2 in Appendix A of the revised Technical Standards.
- C. changes the name of the primary Section 508 role from “Section 508 Coordinator” to “Section 508 Program Manager” and defines additional duties pursuant to the recommendations of the Federal CIO Council’s Section 508 Program Playbook.
- C. (7) was added pursuant to E205.2 in Appendix A of the Technical Standards.

Summary of Changes (Cont.)

- D. adds the role of FDIC Section 508 Center of Excellence and defines its responsibilities.
- E. formalizes the role of Certified Trusted Testers (CTT) within FDIC's Unified Testing for Accessibility Program (UTAP). The FDIC's UTAP program, adopted from the Department of Homeland Security, is part of a unified compliance testing effort across federal agencies to standardize the Section 508 validation and evaluation process to help improve accessibility for people with disabilities (PWDs) through the delivery of compliant products. (websites; web applications; software applications; hybrid applications; anything running on a desktop PC). The test process includes the steps required to determine conformance with Section 508 software and web application requirements, using a consistent code-inspection based testing approach. The test results provide management with an objective tool for making informed Section 508 compliance decisions throughout the IT governance process.
- F. describes the role of ICT requestor, bringing the FDIC into compliance with the Section 508 market research mandate.
- The FORM(s) section references the updated FDIC [3700/53, Section 508 Exception Request](#).

Table of Contents

Action Log	2
Summary of Changes (if applicable)	2
Table of Contents.....	4
Background.....	5
Policy	6
A. ICT Development and Procurement.....	6
B. Exceptions	7
C. Complaints Alleging Violations of Section 508	8
Responsibilities	9
A. Chief Information Officer (CIO)	9
B. Division of Information Technology (DIT) Director.....	9
C. Section 508 Program Manager	9
D. Section 508 Center of Excellence	10
E. Certified Trusted Testers (CTT)	11
F. ICT Requestor	11
G. Division of Administration (DOA)/Acquisition Services Branch (ASB).....	11
H. FDIC Supervisors and Managers.....	11
Appendix.....	13
Glossary of Terms.....	14
Glossary of Acronyms	15

Background

The FDIC first published 2711.1, Electronic and Information Technology (EIT) Accessibility Pursuant to Section 508 of the Rehabilitation Act, on July 18, 2003. It was subsequently updated on September 27, 2007.

On January 18, 2017, the U.S. Architectural and Transportation Barriers Compliance Board (Access Board) published revised Section 508 Technical Standards in the Federal Register entitled Information and Communication Technology Standards and Guidelines, 82 Fed. Reg. 5790 (January 18, 2017). The revised regulations significantly updated the Technical Standards in light of the fundamental technology changes in the fourteen years since the standards were last promulgated.

Policy

The FDIC is committed to the principles of equal opportunity in all of its programs, policies and practices, and promotes diversity and inclusion in its workforce, programs and activities. It is the FDIC's policy that ICT developed, procured, maintained, or used during the course of business operations be as accessible to persons with disabilities (employees, contractor personnel, and members of the public) as it is to persons without disabilities, unless an exception applies as outlined in this Directive.

The FDIC increasingly relies on ICT in day-to-day operations and in providing services to all. The FDIC considers accessibility to ICT a priority, as it supports a diversified and productive workforce and facilitates our responsibility to those seeking information about the FDIC's programs and services.

A. ICT Development and Procurement

1. ICT Development

- a. Section 508 requirements apply to all ICT products developed by FDIC employees and contractor personnel. Design, development, and maintenance refer to all activities that result in the creation or significant modification of any ICT product, system, or service.
- b. Information about the specific procedures for design, development, and maintenance of ICT products may be obtained through the Section 508 Program Manager and at the FDIC's [Section 508 Center of Excellence](#) website.

2. ICT Procurement

- a. Section 508 requirements apply to all contracts that specify, or result in, the procurement of ICT including purchase orders, task orders, delivery orders, and Federal Supply Service contracts. In addition, they apply to procurements involving upgrades that result in significant modification of ICT.
- b. The specific acquisition procedures and requirements regarding Section 508 are outlined in the FDIC's [Section 508 Center of Excellence](#) website.

B. Exceptions

Under Section 508, federal agencies must provide access to persons with disabilities comparable to that afforded persons without disabilities. Even though it is the FDIC's policy to include Section 508 requirements in ICT development and procurements, law and regulations permit exceptions to compliance with Section 508 Technical Standards when certain conditions exist. An exception may apply for a development or procurement effort under the following circumstances:

1. Legacy ICT. Where any component or portion of existing ICT that complies with an earlier standard issued pursuant to Section 508 and has not been altered on or after January 18, 2018;
2. National Security Systems. Where ICT is operated as part of a national security system as defined by 40 U.S.C. § 11103(a);
3. Federal Contracts. Where ICT is acquired by a contractor incidental to a contract;
4. Fundamental Alteration. Where compliance with Section 508 would require a fundamental alteration in the nature of the ICT;
5. Undue Burden. Where compliance with Section 508 requirements would impose an undue burden, which is defined as significant difficulty or expense considering the resources available to the program for which the ICT is to be procured, developed, maintained, or used.

NOTE: If this exception is granted, FDIC must provide individuals with disabilities an alternative means of access;

6. ICT Functions Located in Maintenance or Monitoring Spaces (Back Office). Where status indicators and operable parts for ICT functions are located in spaces that are frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment; and
7. Commercial Non-Availability. Where ALL products that meet the business need fail ALL applicable Section 508 standards.

NOTE: Most products will have some level of accessibility and the product that best meets the Revised 508 Standards, consistent with the business need, should be determined by market research.

C. Complaints Alleging Violations of Section 508

The Office of Minority and Women Inclusion process complaints alleging violations of Section 508.

1. A person with a disability may file an administrative complaint alleging a denial of access to ICT that is procured, developed, maintained, or used by the FDIC in accordance with FDIC [2710.15, Accessibility to FDIC Programs and Activities](#).
2. Data related to complaints filed pursuant to this Directive will be aggregated to validate FDIC adherence to Section 508 policies, processes and procedures, and will be reported to the Section 508 Program Manager for compliance monitoring and reporting.

Responsibilities

A. Chief Information Officer (CIO)

1. Ensures incorporation of the Section 508 requirements in all ICT development lifecycles and procurement activities;
2. Ensures remediation of existing ICT products or projects when necessary to achieve conformance with the Section 508 Technical Standards; and
3. Ensures Section 508 testing when required during the procurement and development processes, as well as during conformance assessments;
4. Designates a Section 508 Program Manager;
5. Ensures that the needs of users with disabilities are identified for ICT procured, developed, maintained or used by the FDIC;
6. Makes (or delegates authority for making) waiver and exception determinations consistent with the provisions of Section 508; and
7. Submits a semiannual Section 508 Program Assessment to the Office of Management and Budget.

B. Division of Information Technology (DIT) Director

1. Approves or denies exception requests; and
2. Provides tools and training necessary to develop, implement, and evaluate ICT accessibility.

C. Section 508 Program Manager

1. Leads compliance management activities for all FDIC digital services and technology covered under Section 508;
2. Leads program governance and oversight;

3. Assesses the maturity of the existing Section 508 program, developing goals and strategies, and obtaining support to improve the program's maturity;
4. Leads efforts to establish Section 508 compliance policies and processes;
5. Leads efforts to address compliance requirements in design, acquisition, development, and maintenance lifecycles and processes;
6. Chairs the FDIC Section 508 Center of Excellence (CoE);
7. Ensures that all electronic content that is made available, such as web pages, blogs, and social media, conforms to the Section 508 Technical Standards; and
8. Ensures that electronic content that is used for official agency communications conforms to the applicable Section 508 Technical Standards. This requirement applies to the following types of official agency communications:
 - a. An emergency notification;
 - b. An initial or final decision adjudicating an administrative claim or proceeding;
 - c. An internal or external program or policy announcement;
 - d. A notice of benefits, program eligibility, employment opportunity, or personnel action;
 - e. A formal acknowledgement of receipt;
 - f. A survey questionnaire;
 - g. A template or form;
 - h. Educational or training materials; or
 - i. Intranet content designed as a web page.

D. Section 508 Center of Excellence

1. Supports the Section 508 Program Manager in all initiatives related to maturing the FDIC's Section 508 program;

2. Supports ICT Requestors as they integrate accessibility requirements in FDIC procurement activities;
3. Defines and monitors ICT lifecycle processes;
4. Develops marketing materials and awareness campaigns; and
5. Administers FDIC's Certified Trusted Tester (CTT) program.

E. Certified Trusted Testers (CTT)

1. Use the Unified Testing for Accessibility Program (UTAP) Trusted Tester methodology to test and evaluate FDIC ICT;
2. Record UTAP results on the appropriate Compliance Validation Workbook; and
3. Provide Section 508 expertise to FDIC ICT development teams.

F. ICT Requestor

1. Ensures that ICT market research is conducted pursuant to Section 508; and
2. Includes Section 508 requirements in ICT procurement documentation.

G. Division of Administration (DOA)/Acquisition Services Branch (ASB)

1. Incorporates and maintains Section 508 provisions and clauses in the FDIC Acquisition Policy Manual (APM) and Acquisition Procedures, Guidance and Information (PGI);
2. Ensures that Section 508 requirements are appropriately included in ICT solicitation and procurement documents; and
3. Ensures ICT market research is conducted pursuant to Section 508.

H. FDIC Supervisors and Managers

1. Ensure that Section 508 requirements are identified early and are implemented properly in ICT development and procurement activities;

2. Cooperate with the processing and resolution of any complaint alleging violations of Section 508; and
3. Prepare and forward form FDIC [3700/53, Section 508 Exception Request](#) to the DIT Director for approval where exceptions apply for a development or procurement effort.

Appendix

Contacts

For additional information, please contact section508@fdic.gov.

Glossary of Terms

Term	Definition
Contractor Personnel	All employees of a contractor/subcontractor who perform under an FDIC contract, including key and non-key personnel.
ICT Requestor	An FDIC employee or contractor personnel who initiates an ICT procurement or development on behalf of the FDIC.
Information and Communication Technology (ICT)	Information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any associated content.

Glossary of Acronyms

Acronym	Term
ASB	Acquisition Services Branch
CIO	Chief Information Officer
CoE	FDIC Section 508 Center of Excellence
CTT	Certified Section 508 Trusted Tester
DIT	Division of Information Technology
DOA	Division of Administration
EIT	Electronic and Information Technology
ICT	Information and Communication Technology
UTAP	Unified Testing for Accessibility Program (Department of Homeland Security)