



SUBJECT: Section 508 Administrative Complaint Processing Procedures

1. **PURPOSE.** This Issuance establishes the Department's procedures for the administrative processing of non-employment and employment related complaints in compliance with Section 508 of the Rehabilitation Act of 1973, as amended.
2. **SCOPE.** This Issuance applies to all bureaus, offices, and organizations in the Department, including the Offices of Inspector General. The provisions of this Issuance shall not be construed to interfere with or impede the authorities or independence of the Offices of the Inspector General.
3. **POLICY.** It is the policy of the Department of the Treasury to follow Section 508 of the Rehabilitation Act of 1998, as amended (29 USC §794d) and to provide employees and members of the public with disabilities access to electronic and information technology (EIT) to the same extent as individuals without disabilities, unless an undue burden would be imposed on the Department.
4. **RESPONSIBILITIES.**
 - a. **Heads of Bureaus** shall ensure that this policy is posted on intranet and internet websites accessible to employees and members of the public.
5. **PROCESSES.** In accordance with 31 CFR Part 17, Treasury's procedures for complaints alleging noncompliance with Section 508 are as follows:
 - a. An individual with a disability who wishes to file a complaint of noncompliance with Section 508 of the Rehabilitation Act of 1973 generally must send a signed, written complaint within 180 days of the incident that gave rise to the complaint, to U.S. Department of the Treasury, Office of Civil Rights, Equal Employment Opportunity (OCRE), 1500 Pennsylvania Avenue, NW, Washington, DC 20220, or by email at crcomplaints@treasury.gov.
 - b. The complaint should include sufficient details of the alleged Section 508 violation to enable the Office of Civil Rights, Equal Employment Opportunity (OCRE) to understand what occurred, where and when it occurred, and the responsible Treasury organization, if known. If accepted for investigation, the appropriate bureau will investigate the complaint and attempt resolution. If no resolution is achieved, the bureau will forward the report of investigation to the Department. A letter of findings will be issued, notifying the complainant of the decision, and providing administrative appeal procedures. Any appeal of the decision will be made to the Office of Civil Rights and Equal Employment Opportunity.

- c. 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 alternative formats. Additionally, oral complaints will be considered if the complainant is unable to write. To request a reasonable accommodation to file a complaint with OCRE, the complainant can contact ReasonableAccommodationRequests@treasury.gov.

Deaf and hard of hearing complainants can call the Department of the Treasury, Office of Civil Rights, Equal Employment Opportunity main phone number (202) 622-1160, using the Federal Communications Commission (FCC) Telecommunications Relay Service program by dialing 711.

- d. Interaction with EEO Complaint Process. Section 508 provides that it shall not be construed to limit any right, remedy, or procedure otherwise available under Section 791 through 794a of the Rehabilitation Act of 1973, as amended. Therefore, employees and applicants for employment alleging a denial of accessibility to electronic and information technology that affects a term, condition, or privilege of employment are free to pursue an equal employment opportunity (EEO) complaint under the provisions of 29 CFR Part 1614.

Pursuing a complaint of noncompliance under Section 508 of the Rehabilitation Act of 1973 under this Issuance does not satisfy the requirements for filing an EEO complaint or union grievance, and does not delay the time limits for initiating those procedures. Thus, an employee may choose to pursue statutory, administrative, or collective bargaining remedies for noncompliance with Section 508 of the Rehabilitation Act of 1973, in addition to following the procedures outlined in this Issuance. If an employee chooses to pursue those remedies, the employee must elect one of the available forums as follows:

1. For an EEO complaint pursuant to 29 CFR Part 1614, contact an EEO counselor through the appropriate EEO Office within 45 calendar days of the most recent incident of alleged discrimination (or the effective date of a personnel action if one is involved) or when the employee or applicant became aware of the alleged discriminatory act, as required in 29 CFR §1614.105(a).
2. For a collective bargaining grievance, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement.
3. For an appeal to the Merit Systems Protection Board (MSPB) pursuant to 5 CFR § 1201.22, file a written appeal with the Board within 30 days of the effective date of an appealable adverse action as defined in 5 CFR § 1201.3.

A decision to contact an EEO counselor will not prevent an employee from filing a collective bargaining grievance or an MSPB appeal. However, an employee must elect to file a formal EEO complaint or a negotiated grievance, but not both. Similarly, an employee may not pursue both a formal EEO complaint and a MSPB appeal. An EEO

complaint filed after a grievance or MSPB appeal has been filed on the same matter shall be dismissed unless the grievance or MSPB appeal is determined to be untimely or outside of the jurisdiction of the Collective Bargaining Agreement or the MSPB.

6. **AUTHORITY.** Section 508 of the Rehabilitation Act of 1973, as amended by section 408(b) of the Workforce Investment Act of 1998, (Pub. L. No. 105-220, title IV, Section 408(b), Aug. 7, 1998).
7. **REFERENCES.**
 - a. Department of the Treasury's Section 504 Complaint Procedure, 31 CFR Part 17.
 - b. Equal Employment Opportunity Commission (EEOC) regulations, 29 CFR Part 1614.
8. **OFFICE OF PRIMARY INTEREST.** Assistant Secretary for Management and Office of Civil Rights and Equal Employment Opportunity.
9. **POLICY REVIEW.** The provisions of this Issuance are subject to modifications by changes in pertinent statutes and regulations. The applicable provision or provisions shall be amended or superseded effective on the dates specified in any statutory or regulatory change, and OCRE shall issue interim guidance addressing the change as soon as practicable. This Issuance will be reviewed after five years.

Snider Page
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Employment Opportunity