

**COMPLIANCE PROCEDURES IMPLEMENTING SECTION 504 OF  
THE REHABILITATION ACT OF 1973 – NONDISCRIMINATION BASED  
ON DISABILITY IN FEDERALLY CONDUCTED PROGRAMS OR ACTIVITIES**

- 1. REASON FOR ISSUE:** This handbook provides guidance on the Department of Veterans Affairs (VA) implementation of policy and procedures pertaining to Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination based on disability in any program or activity conducted by Federal agencies. This requirement is to ensure accessibility to VA facilities, programs, activities, services, and benefits to the public, to include Veterans, their families, and beneficiaries.
- 2. SUMMARY OF CONTENTS/MAJOR CHANGES:** This new handbook establishes workplace policies, procedures and protocols for creating and implementing guidance for all VA programs and activities consistent with the changes to the Rehabilitation Act required by the Americans with Disabilities Act (ADA) Amendments Act of 2008, which reinstated the broad scope of individuals protected under the ADA and Section 504.
- 3. RESPONSIBLE OFFICE:** Office of Resolution Management (08), Office of Human Resources and Administration.
- 4. RELATED DIRECTIVE:** VA Directive 5975, Diversity and Inclusion.
- 5. RESCISSION:** None.

**CERTIFIED BY:**

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

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## **COMPLIANCE PROCEDURES IMPLEMENTING SECTION 504 OF THE REHABILITATION ACT OF 1973**

- 1. PURPOSE.** This handbook establishes Department of Veterans Affairs' (VA) policy, implementation procedures, program requirements, and coordinated responsibilities for ensuring that everyone can access VA programs, activities, and facilities, regardless of disability, in accordance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and the Architectural Barriers Act of (ABA) of 1968. No individual with a disability shall, solely due to their disability, be excluded from the participation in, be denied the benefits of, or to be subjected to discrimination under any VA program or activity. The handbook implements procedures and measures of accountability for all VA executives, managers, supervisors, and employees to foster optimal organizational environments to protect the rights of beneficiaries, with disabilities, of VA programs or activities.
- 2. SCOPE.** The policies and procedures contained in this handbook are applicable to all VA programs and activities consistent with the changes to the Rehabilitation Act required by the Americans with Disabilities Act (ADA) Amendments Act of 2008, which reinstated the broad scope of individuals protected under the ADA, Section 504, and the ABA.
- 3. RESPONSIBILITIES.** The responsibilities and new roles provided in this section shall be implemented within one year from publication the date of this policy.

  - a. Secretary of Veterans Affairs.** The Secretary shall ensure that an effective process is established for notifying beneficiaries of alternative methods of delivery of services, benefits, or documents and access to facilities or activities; responding to all disability related requests from beneficiaries of VA programs or activities for access or auxiliary aids or services; and acting in response to external complaints.
  - b. Under Secretaries, Assistant Secretaries, and Other Key Officials, shall:**

    - (1) Ensure that each Administration, Staff Office, and facility has a designated Section 504 Accessibility Coordinator and an Alternate Section 504 Accessibility Coordinator to handle all requests from beneficiaries of VA programs and activities applicable to access, auxiliary aids, services and external complaints (refer to Appendix F). Ensure all names are provided to the Section 504 Program Manager within 90 calendar days of publication of this handbook. Upon appointment of a new coordinator, their contact information must be provided to the Section 504 Program Manager within 30 calendar days. Ensure that all requests from the public receive a response within a reasonable timeframe of no more than seven calendar days.

- (2) Publicize the names of the designated and alternate Section 504 Accessibility Coordinators to all VA employees via email announcements, posters in public areas, and public websites. Ensure that employees and supervisors know who to contact for all questions from beneficiaries of VA programs and activities relating to access, auxiliary aids, service requests, or external Section 504 complaints.
- (3) Provide sufficient resources to ensure efficient and effective implementation, management, monitoring, and accountability of the process for responding to requests from beneficiaries of VA programs and activities for access, auxiliary aids, service requests, or external Section 504 complaints.
- (4) Investigate, with oversight from the Office of Resolution Management (ORM), all complaints of discrimination based on disability under Section 504.
- (5) Ensure sufficient resources are provided to meet compliance standards with the ABA and report any projects created (whether complete or incomplete) on an annual basis.

**c. Assistant Secretary for Human Resources and Administration/Operations Security and Preparedness (ASHRA/OSP).** Pursuant to 38 U.S.C. § 308(b)(7), the ASHRA/OSP has responsibilities for Equal Opportunity external functions. This authority is defined as general oversight, coordination and liaison for the External Civil Rights Program to include Title VI, Title XI, and Section 504 of the Rehabilitation Act of 1973. The ASHRA/OSP shall ensure sufficient resources are allocated to guarantee the success of the External Civil Rights Program. Additionally, any requests that are not granted due to funding must be approved by the VA Secretary or designee (the ASHRA/OSP).

**d. Deputy Assistant Secretary (DAS) for Resolution Management,** is the senior VA official appointed with the responsibility for oversight of the program. This includes assigning sufficient staff and dedicating resources (i.e. alternate accessibility resources) to ensure full program implementation, management, and sustainability. In furtherance of these responsibilities, the DAS for Resolution Management shall:

- (1) Develop a department-wide accessibility policy and provide guidance to managers, supervisors, employees, and beneficiaries of VA programs and activities.
- (2) Possess authority to conduct compliance reviews with the Under Secretaries and Assistant Secretaries, and to initiate such other actions as deemed necessary, to facilitate and ensure efficient and effective implementation of and compliance with this policy.
- (3) Designate a National Section 504 Accessibility Program Manager.

- (4) Maintain a VA Centralized Accessibility Compliance System, which will contain VA Section 504 accessibility metrics to monitor department-wide compliance. The VA Centralized Accessibility Compliance System will be located by the National Section 504 Accessibility Program Manager designated by the VA.
- (5) Coordinate assignment of Section 504 Accessibility Coordinators with the Administrations, Staff Offices, and facilities.
- (6) Maintain a current roster of Section 504 Accessibility Coordinators for the Administrations, Staff Offices, and facilities.
- (7) Possess Section 504 authority to compel the implementation, management, and sustainment of Section 504 compliance by the Administrations, Staff Offices, and facilities.
- (8) Authority to the Administrations, Staff Offices, and facilities for implementation, management, and sustainment of the program.
- (9) Serve as the principal liaison with the Department of Justice (DOJ), Civil Rights Division, Office of the Assistant Attorney General.

**e. National External Civil Rights Program Manager.**

- (1) Provide department-wide oversight of the External Civil Rights Program to include Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, and any other Presidential directive dealing with discrimination.
- (2) Serve as the Department's liaison to the DOJ, Civil Rights Division, Federal Coordination and Compliance Section.

**f. National Section 504 Accessibility Program Manager.**

- (1) Serve as the Department's subject matter expert on ensuring that all VA programs and activities are accessible to individuals with disabilities.
- (2) Ensure that all requests from beneficiaries of VA programs and activities for access, auxiliary aids, services, or external Section 504 complaints are processed in compliance with civil rights laws, regulations, policies, or guidance.
- (3) Receive and compile summary data from the Administrations, Staff Offices, and facilities for annual reporting to the DOJ, to include annual reporting on the ABA.

- (4) Serve as a consultant to the External Civil Rights Program Manager regarding prospective denial of requests from beneficiaries of VA programs and activities for access or for auxiliary aids.
- (5) Serve as the Department's liaison to the DOJ, Civil Rights Division, Disability Rights Section.
- (6) Ensure appropriate outreach coordination to Veterans and their families participating in or seeking to participate in VA programs and activities to understand how to submit requests for access, auxiliary aids, or services.
- (7) Ensure requests presented to the Section 504 Accessibility Program Manager are sent to the appropriate Administration, Staff Office, or facility Section 504 Accessibility Coordinator for processing.
- (8) Ensure Section 504 training is conducted as needed.

**g. Section 504 Accessibility Coordinators.**

- (1) Ensure VA provides program and activity beneficiaries the requested access, auxiliary aids, or services due to their disability.
- (2) Serve as point of contact at the Administrations, Staff Offices, and facilities, in determining the type of access, auxiliary aid, or service would be necessary. Must give primary consideration to requests from individuals with disabilities.
- (3) Make recommendations to provide reasonable access, auxiliary aids, or services that afford qualified individuals with disabilities an equal opportunity to participate or benefit from VA programs and activities.
- (4) Work with local VA Facility Management Offices and staff to ensure VA facilities meet physical accessibility standards in compliance with the ABA.
- (5) Submit fiscal year reporting to the National Section 504 Accessibility Program the status of all projects that were created to ensure compliance with the ABA.

**h. Assistant Secretary for Information and Technology and Chief Information Officer.** The Assistant Secretary for Information and Technology and Chief Information Officer in accordance with VA Directive 6008 shall:

- (1) Work collaboratively with the ASHRA/OSP and the DAS for Resolution Management to provide legally compliant, timely, and effective Electronic Information Technology (EIT) accessibility services and equipment.
- (2) Ensure EIT services acquire the equipment or systems to enhance the capability for providing electronic documentation efficiently. This capability

shall be available for the customer: Veterans, their family members, and beneficiaries.

- (3) Ensure that IT procurement procedures do not hinder the purchase of items needed for the accommodation.
- i. **VA Section 504 Advisory Committee** shall be established to consist of Veteran Service Organizations and appropriate disability affinity organizations that provide special assistance programs such as, and not limited to the: Blinded Veterans Association, Paralyzed Veterans of America, Disabled American Veterans, and other appropriate VA internal and external stakeholders. The VA Section 504 Advisory Committee shall meet at least on an annual basis and serve to advise VA on Section 504 operational practices and other techniques to improve the effectiveness and efficiencies of the VA Section 504 program management.
  - j. **Managers, Supervisors, and Deciding Officials** as per Section 504 of the Rehabilitation Act of 1973 shall provide beneficiaries of VA programs and activities their requested access, auxiliary aid or service. Information regarding Section 504 requests by beneficiaries of VA programs and activities shall be maintained in accordance with VA Directive 6300. Note, whether the cost is an undue hardship is determined by the VA's overall budget. Thus, any denials of Section 504 requests based upon cost shall only be decided by the VA Secretary.
  - k. **Veterans, their family members, and beneficiaries** shall be provided with timely assistance based upon their communication in writing or verbally to a requested access, an auxiliary aid, or needed service as a result of all VA Personnel being provided Section 504 training. They shall also be immediately referred to the Section 504 Accessibility Coordinator to ensure the requested access, auxiliary aid, or service allows them an equal opportunity to participate in and enjoy the benefits of VA's programs or activities. For Veterans with both visual and hearing impairments who cannot communicate verbally or in writing, VA shall provide timely and effective accommodations to allow Veterans, family members, and beneficiaries the capability to state accommodation needs.
4. **POLICY.** VA is committed to treating all persons with disabilities fairly and equitably in accordance with the Rehabilitation Act of 1973. As per 38 CFR Part 15, this policy applies to all programs or activities conducted by VA, except for programs or activities conducted outside the United States that do not involve individuals with disabilities in the United States. Accordingly, VA shall furnish appropriate accessibility to afford individuals with disabilities equal opportunity to participate in, enjoy the benefits of, and not be subjected to discrimination on the basis of disability under any program or activity that serves a public purpose conducted by the VA. All references in 38 CFR Part 15, Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by VA to the term of handicap is hereby updated in this handbook to the term of disability as per the Rehabilitation Act Amendments of 1992.



**a. Perform Self-Evaluations:**

- (1) The VA, to include the Departmental, Administration, Staff Office, and facility levels, shall, within one year of the publication date of this handbook, evaluate its current policies, practices, and effectiveness, and, to the extent modification of any such policies and practices is required, VA shall proceed to make the necessary modifications. Any new organizations or facilities established within VA shall have one year from the date of their establishment to carry out this evaluation.
- (2) The VA shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation by submitting comments (both oral and written). The self-evaluation shall be coordinated by the National Section 504 Accessibility Program Manager, in collaboration with the Diversity and Inclusion VA Council (DIVAC) and VA Section 504 Advisory Committee.
- (3) The VA shall, for at least three years following completion of the self-evaluation, maintain on file and make available for public inspection on VA's Internet website:
  - (a) A description of areas examined, and any problems identified; and
  - (b) A description of any modifications made.

**Note:** The VA shall make available to employees, applicants, participants, beneficiaries, and other interested persons such information regarding the provisions of this handbook and its applicability to the programs or activities conducted by VA, and make such information available to them in such manner as the VA's Secretary finds necessary to apprise such persons of the protections against disability discrimination assured them by Section 504 and the policy implementation procedures of this handbook.

**b. General Prohibitions against Discrimination:**

- (1) No individual with a disability shall, based on disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by VA.
- (2) VA, in providing any aid, benefit, or service, directly or through contractual, licensing, or other arrangements, based on a disability shall not:
  - (a) Deny an eligible individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service;

- (b) Afford an eligible individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded to others;
  - (c) Provide an eligible individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
  - (d) Provide different or separate aids, benefits, or services to individuals with disabilities or to any class of individuals with disabilities than is provide to others unless such action is necessary to provide eligible individuals with disabilities with aids, benefits or services that are as effective as those provided to others;
  - (e) Deny an eligible individual with a disability the opportunity to participate as an external member of a planning or advisory board; or
  - (f) Otherwise limit an eligible individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.
- (3) The VA shall not deny an eligible individual with a disability the opportunity to participate in programs or activities that are not separate or different, despite the existence of similar separate or different programs or activities.
- (4) The VA shall not, directly or through contractual or other arrangements, utilize criteria or methods of administration for the purpose or effect of which would:
- (a) Subject eligible individuals with disabilities to discrimination because of a disability; or
  - (b) Defeat or substantially impair accomplishment of the objectives of a program or activity with respect to individuals with disabilities.
- (5) The VA shall not, in determining the site or location of a facility, make selections for the purpose or effect of which would:
- (a) Exclude individuals with disabilities from participation, deny them the benefits of, or otherwise subject them to discrimination under any program or activity conducted by the VA; or
  - (b) Defeat or substantially impair the accomplishment of the objectives of a program or activity with respect to individuals with disabilities.

- (6) VA, in the selection of procurement contractors, may not use criteria that subject eligible individuals with disabilities to discrimination because of a disability.
  - (7) VA shall not administer a licensing or certification program in a manner that subjects eligible individuals with disabilities to discrimination because of a disability, nor may the VA establish requirements for the programs or activities of licensees or certified entities that subject eligible individuals with disabilities to discrimination because of a disability. However, the programs or activities of entities that are licensed or certified by the VA are not, themselves, covered by this part of the handbook.
  - (8) The exclusion of nondisabled persons from the benefits of a program limited by Federal statute or Executive Order to individuals with disabilities or the exclusion of a specific class of individuals with disabilities from a program limited by Federal statute or Executive Order to a different class of individuals with disabilities is not prohibited by 38 CFR Part 15.
  - (10) The VA shall administer programs and activities in the most integrated setting appropriate to the needs of eligible individuals with disabilities.
- c. Employment.** No eligible individual with a disability shall, based on disability, be subjected to discrimination in employment under any program or activity conducted by VA. The standards applied under Title I of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12111 *et seq.*, and, as such sections relate to employment, the provisions of sections 501 through 504 and 511 of the ADA of 1990, as amended (codified at 42 U.S.C. § 12201-12204, 12210), as implemented in the regulation by Equal Employment Opportunity Commission (EEOC) at 29 CFR Part 1614, shall apply to employment in federally conducted programs and activities.
- d. Program Accessibility – Discrimination Prohibited.** No eligible individual with a disability shall, because VA's facilities are inaccessible to or unusable by such persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity conducted by VA.
- e. Program Accessibility – Existing Facilities:**
- (1) **General.** The VA shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. Program accessibility for existing facilities shall ensure at least an annual review of the facility's physical accessibility to ensure compliance with the ABA. Where compliance is not met, projects shall be implemented to ensure the facility achieves compliance. Program accessibility does not:

- (a) Absolutely require the VA to make each of its existing facilities accessible to and usable by individuals with disabilities;
- (b) In the case of historic preservation programs, require the VA to take any action that would result in a substantial impairment of significant historic features of an historic property; or
- (c) Require VA to take any action that it can demonstrate would result in a fundamental alteration of a program or activity or in undue financial and administrative burdens. In those circumstances where VA Personnel believe that the proposed action would fundamentally alter the program or activity or would result in unreasonable financial and administrative burdens, VA has the burden of proving that compliance would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the VA Secretary or their designee, or the ASHRA/OSP, after considering all VA resources available for use in the funding and operation of the conducted program or activity in question and must be accompanied by a written statement of reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, the VA shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits and services of the program or activity.

## **(2) Methods of Compliance.**

- (a) **General.** VA shall comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock, or any other methods that result in making its programs or activities readily accessible to and usable by individuals with disabilities. VA is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. VA, in making alterations to existing buildings, shall meet accessibility requirements to the extent compelled by the ABA, as amended 42 U.S.C. §§ 4151 – 4157 and any regulations implementing it. In choosing among available methods for meeting the requirements of this section, the VA shall give priority to those methods that offer programs and activities to eligible individuals with disabilities in the most integrated setting appropriate.
- (b) **Historic Preservation Programs.** In meeting the requirements of 38 CFR § 15.150(a) in historic preservation programs, the VA shall give priority to methods that provide physical access to individuals with disabilities. In cases where a physical alteration to an historic property is not required

because of 38 CFR § 15.150(a)(2) or (3), alternative methods of achieving program accessibility include:

- i. Using audio-visual materials and devices to depict those portions of a historic property that cannot otherwise be made accessible;
- ii. Assigning persons to guide individuals with disabilities into or through portions of historic properties that cannot otherwise be made accessible; or
- iii. Adopting other innovative methods.

**(3) Transition Plan.** If structural changes to facilities must be undertaken to achieve program accessibility, and it is not expected that such changes can be completed within six months, the VA shall develop a transition plan setting forth the steps necessary to complete such changes. The VA shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments (both oral and written). A copy of the transition plan shall be made available for public inspection. The transition plan shall, at a minimum:

- (a) Identify physical obstacles in the VA's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
- (b) Describe in detail the methods that will be used to make the facilities accessible;
- (c) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and
- (d) Indicate the official responsible for the implementation of the plan.

**f. Program Accessibility – New Construction and Alterations.** Each building or part of a building that is constructed or altered by, or on behalf of, or for the use of the VA shall be designed, constructed, or altered to be readily accessible to and usable by individuals with disabilities. The definitions and requirements of the ABA, as amended 42 U.S.C. §§ 4151 – 4157 and corresponding standards of Design and Construction, 41 CFR Part 102-76 apply to buildings covered by this handbook.

**g. Communications:**

- (1) The VA shall ensure appropriate steps are taken to effectively communicate with Veterans, their families, beneficiaries, applicants, participants, other Federal Personnel, and members of the public.
- (2) The VA shall furnish appropriate auxiliary aids where necessary to afford an individual with disabilities an equal opportunity to participate in, and enjoy the benefits of, program or activity conducted by VA.
  - (a) In determining what type of auxiliary aid is necessary, the VA shall give primary consideration to the requests of individuals with disabilities;
  - (b) The VA shall not provide individually prescribed devices, readers for personal use or study, or other devices of a personal nature; and
  - (c) Some guidance for providing aid for people with disabilities is provided at the appendices.
    - i. Appendix A: Providing Aid to Persons who are Deaf or Hard of Hearing
    - ii. Appendix B: Providing Aid to Persons who are Blind or have Low Vision
    - iii. Appendix C: Providing Aid to Persons with Cognitive or Learning Disabilities
    - iv. Appendix D: Providing Aid to Persons with Psychological or Emotional Disabilities
    - v. Appendix E: Providing Aid to Persons with Mobility or Physical Disabilities
- (3) Where VA communicates with beneficiaries by telephone, telecommunications devices for deaf persons (TDD's) or equally effective telecommunication systems shall be used to communicate with persons with impaired hearing.
- (4) The VA shall ensure that interested persons, including persons with impaired vision or hearing can obtain information as to the existence and location of accessible services, activities, and facilities.
- (5) The VA shall provide signage at a primary entrance to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each primary entrance of an accessible facility.
- (6) VA is not required to take any action that can demonstrate or would result in a fundamental alteration of the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where VA Personnel believe that the proposed action would fundamentally alter the

program or activity or would result in undue financial and administrative burdens, the VA has the burden of proving that compliance would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the VA Secretary or designee, the ASHRA/OSP, after considering all VA resources available for use in the funding and operation of the conducted program or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this section would result in such an alteration or such burdens, the VA shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits and services of the program or activity.

#### **h. Compliance Procedures:**

- (1) This section applies to all Section 504 external complaints based on a disability in programs or activities conducted by VA (refer to Appendix F).
- (2) Responsibility for oversight, implementation and operation of this handbook, for Section 504 external complaints against the VA shall be vested in ORM.
- (3) The VA shall process Section 504 external complaints regarding employment according to the procedures established by the EEOC in 29 CFR part 1614 pursuant to Section 501 of the Rehabilitation Act of 1973 (29 U.S.C. § 791).
- (4) ORM shall accept and refer all external complaints to the Administration, Staff Office, or facility which has jurisdiction. All complete complaints must be filed within 180 calendar days of the alleged act of discrimination.
- (5) If ORM receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to refer the complaint to the appropriate Federal government entity.
- (6) ORM shall notify the appropriate Administration, Staff Office, or facility upon receipt of any complaint alleging that a building or facility that is subject to the ABA, as amended 42 U.S.C. §§ 4151 – 4157, is not readily accessible to and usable by individuals with disabilities.
- (7) Within 180 calendar days of the receipt of a complete complaint for which it has jurisdiction, the ORM shall notify the complainant of the results of the investigations in a letter containing:
  - (a) Findings of fact and conclusions of law;
  - (b) A description of a remedy for each violation found; and
  - (c) A notice of the right to appeal.

- (8) Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant within 60 calendar days of receipt of VA's decisional documentation. This time may be extended time for good cause.
- (9) Timely appeals shall be accepted and processed by the appropriate office. Decisions on such appeals shall not be rendered by the person who made the initial decision.
- (10) The complainant shall be notified of the results of the appeal within 60 calendar days of the receipt of the request. If it is determined that additional information is needed from the complainant, it shall have 60 calendar days from the date it receives the additional information to make its determination on the appeal.
- (11) In accordance with 38 CFR Part 18, the time limits cited in subparagraphs 7, 8 and 10 above may be extended with the permission of the Administration, Staff Office, and facility Equal Employment Opportunity (EEO) program offices. Administration, Staff Office, and facility EEO program offices must be contacted to determine the accepted reasons for granting an extension.
- (12) ORM shall have the authority to delegate responsibilities to compliance procedures to the Administrations, Staff Offices, and facilities.
- (13) ORM shall have the authority to delegate the responsibility for conducting complaint investigations to the Administrations, Staff Offices, and facilities or other Federal agencies, except the authority for making final determinations may not be delegated to Administrations, Staff Offices, and facilities or another Federal agency.



## 5. REFERENCES.

- a. Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112);
- b. Rehabilitation Act Amendments of 1992 (Public Law 102-569);
- c. Americans with Disabilities Act Amendments Act of 2008 (Public Law 110-325);
- d. 38 CFR part 15 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Veterans Affairs;
- e. 38 CFR Part 18 – Nondiscrimination in Federally-Assisted Programs of the Department of Veterans Affairs-Effectuation of Title VI of the Civil Rights Act of 1964, 45 CFR Part 85, Section 504 Regulation;
- f. Executive Order 12250, Leadership and Coordination of Nondiscrimination Laws, dated November 2, 1980;
- g. Executive Order 13548, Increasing Federal Employment of Individuals with Disabilities, dated July 26, 2010;
- h. Executive Order 13583, Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce, dated August 18, 2011;
- i. Social Security Administration (SSA), Center for Section 504 Compliance, SSA Section 504 Business Process Vision to Provide Individuals with Disabilities Meaningful Access to Social Security Program and Activities;
- j. VA Directive 6008, Acquisition and Management of VA Information Technology Resources, dated November 2, 2017;
- k. VA Directive 6300, Records and Information Management, dated September 21, 2018;
- l. Architectural Barriers Act of 1968, as amended 42 U.S.C. §§ 4151 – 4157;
- m. Design and Construction, 41 CFR Part 102-76;
- n. Title IX of the Education Amendments Act of 1972, as amended 20 U.S.C. § 1681 et seq.;
- o. Federal Sector Equal Employment Opportunity, 29 CFR Part 1614; and
- p. Equal Opportunity Functions, U.S.C. Title 38, Part I, Chapter 3, § 308, (b)(7).

## **Appendix A – Providing Aid to Persons Who are Deaf or Hard of Hearing**

VA Personnel shall be made available with the ability to understand and communicate with the hearing impaired on the level of assistance needed by the individual. Due to varying degrees of hearing limitations awareness and access to numerous accommodations shall be made available timely to aid persons who are deaf or hard of hearing. In the event that arrangements are needed to provide a qualified interpreter or caption service provider shall:

- a) Maintain an internal list of qualified interpreters on staff, showing their names, telephone numbers, qualifications and hours of availability;
- b) Schedule an internal qualified interpreter on staff to interpret, if one is available and qualified to interpret;
- c) Maintain an external list of qualified interpreters and caption service providers, which identifies the name of the agencies, telephone numbers, hours of availability, and the agreed upon contractual arrangement; and
- d) Schedule an external qualified interpreter or caption service provider, if a qualified interpreter on staff is not available or is not qualified to interpret.

Assistive Aids and Devices: Video Remote Interpreting (VRI) Services - procedures for accessing VRI Services must also be included; telephonic communication by telephone by utilizing relay services for external telephones with teletypewriter also known as text telephones (TTYs); Video Relay Service (VRS); computer-aided transcription services; telephone handset amplifiers; notetakers for written copies of oral announcements; assistive listening devices and systems; telephones compatible with hearing aids; closed caption decoders; open/closed captioning; telecommunications devices for deaf persons (TDDs); videotext display; iPads; writing materials; flashcards, alphabet boards; communication boards; or any other effective aids or devices.

Some persons who are deaf or hard of hearing may prefer or request to use a family member or friend as an interpreter. However, family members (especially minors) or friends will not be used as interpreters, in order to ensure confidentiality of information and accurate communication, except if there is an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no qualified interpreter available; or where the individual with a disability specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances. If the person chooses to use a family member or friend as an interpreter, issues of confidentiality, privacy and conflict of interest, as well as whether the friend or family member is a qualified interpreter, will be considered. If the family member or friend is not qualified or appropriate for any of these reasons, qualified interpreter services will be provided.

**Appendix B – Providing Aid to Persons Who are Blind or have Low Vision**

VA Personnel shall be made available with the ability to understand and communicate with the visually impaired on the level of assistance needed by the individual. Due to varying degrees of visual limitations awareness and access to numerous accommodations shall be made available timely to aid individuals who are blind or have low vision. Accessible Alternate Formats; Assistive Aids and Devices:

- Large Print Documents;
- Accessible Electronic Texts (i.e. electronic files, email via secure messaging) electronic information is increasingly a preference for persons who are blind or have low vision who use computers;
- Braille, Braille Directional Signage;
- Computer Braille Display
- Navigable Microsoft Word CD;
- Audio Digital Recording CD;
- Secondary Auditory Programs (SAPs);
- Presentation Information Accessibility;
- Qualified Readers who effectively read using specialized vocabulary;
- Magnification Software;
- Optical Readers, Remote Readers;
- Web Accessibility, Live Chat;
- Screen Reader Software;
- Screen Reader Training;
- Keyboard Tops and Labels;
- Computer Phone Software; and
- Computer Headsets.

VA Personnel assisting the visually impaired shall ensure they maintain the Veteran's privacy when discussing form content, reason for VA appointment, or verification of the Veteran using Personally Identification Information (PII). This can occur by using a private room or separate area for the Veteran. VA Personnel shall recognize the common white cane or service animal for a visually impaired individual and provide clear verbal descriptive directions. Additionally, individuals who are blind or have low vision shall be provided assistance upon request with filling out their forms and be provided information in alternate accessible formats.

Visual impairments are present in many forms and Veterans have different levels of capability to compensate for vision loss. Accordingly, and without exceptions, VA Personnel shall refrain from loudly discussing the reason for a visit by individuals who are blind or have low vision. Disability etiquette shall always be applied by refraining from unneeded insensitive comments, (i.e. well you don't look blind). VA Personnel shall also be aware that even if individuals who are blind or have low vision use a white cane or service animal they may not correctly move to where they are being directed to. VA Personnel shall always offer courteous assistance.

VA Personnel shall also be aware of Veterans who have dual-sensory vision and hearing impairments. Veterans with these dual-sensory impairments may not be able to communicate verbally or in writing. Assistance may be provided by communicating with a TTY machine or with an interpreter who can finger spell.

### **Appendix C – Providing Aid to Persons with Cognitive or Learning Disabilities**

VA Personnel shall be made available with the ability to understand and communicate with persons with cognitive or learning disabilities on the level of assistance needed by the individual. Due to varying degrees of cognitive or learning disabilities, awareness and access to numerous accommodations shall be made available timely to aid individuals with cognitive or learning disabilities.

Assistive Aids and Devices: (1) Service online, by telephone, or in office; (2) Standard print notice by first-class mail with a follow-up telephone call; (3) Audio CD and standard print notice by first-class mail; (4) Referral to local advocates or counseling resources; (5) More time to provide information (when good cause is shown); and (6) Assistance from other third-party representatives or organizations.

Since it may not be readily possible to identify persons with learning or cognitive disabilities, VA Personnel shall rely on disclosure from the individual in order to offer accommodations that facilitate equal and meaningful access to services. When members of the public indicate they have learning or cognitive disabilities, such as autism, traumatic brain injury, organic mental disorder, or intellectual disability, and require an accommodation, VA Personnel shall: (1) Offer service delivery options including online, by telephone, or in office; (2) Offer standard print notice by first-class mail with a follow-up telephone call; (3) Offer an audio CD and a standard print notice by first-class mail; (4) Offer to refer to local advocates or counseling resources; (5) Offer more time to provide information (with good cause); and (6) Offer to provide assistance to identify and locate other third-party representatives or organizations.

VA Personnel providing assistance to persons who indicate or appear to exhibit signs of learning or cognitive disabilities shall: (1) Repeat information clearly and concisely and provide written instructions when needed. (2) Offer a quiet location to hear, read, understand, and respond to questions or information. (3) Consider that persons with perceptual learning disabilities have difficulty with accuracy and may reverse numbers and place words or numbers in the wrong spaces on a form. This difficulty may result in reporting information incorrectly or late. Consider policy provisions, including good cause, due process, and other accommodations when evaluating whether an individual intended to report information timely and accurately. (4) Repeat information to ensure individuals with motor learning disabilities, such as dyspraxia, understand. (5) Consider individuals with learning or cognitive disabilities may be sensitive to tactile stimulation and may not like others touching them, including shaking hands. This may also include having trouble with judging the amount of pressure is being exerted in such actions as holding objects. (6) Communicate in a courteous, thorough, direct, and specific manner.

## **Appendix D – Providing Aid to Persons with Psychological or Emotional Disabilities**

VA Personnel shall be made available with the ability to understand and communicate with persons with psychological or emotional disabilities on the level of assistance needed by the individual. Due to varying degrees of psychological or emotional disabilities, awareness and access to numerous accommodations shall be made available timely to aid individuals with psychological or emotional disabilities.

Assistive Aids and Devices: (1) Service online, by telephone, or in office; (2) Standard print notice by first-class mail with a follow-up telephone call; (3) Audio CD and standard print notice by first-class mail; (4) Referral to local advocates or counseling resources; (5) More time to provide information (when good cause is shown); and (6) Assistance from other third-party representatives or organizations.

Similar to cognitive and learning disabilities, it may not be readily possible to identify identification of persons with psychological or emotional disabilities. In these cases, VA Personnel shall rely on disclosure from the individual in order to offer accommodations that facilitate equal and meaningful access to services. When members of the public indicate they have psychological or emotional disabilities such as anxiety, depression, or schizophrenia, and require an accommodation, VA Personnel shall: (1) Offer service delivery options including online, by telephone, or in office; (2) Offer standard print notice by first-class mail with follow-up telephone call; (3) Offer audio CD and a standard print notice by first-class mail; (4) Offer to refer the customer to local advocates or counseling resources; (5) Offer more time to provide information (with good cause); and (6) Offer to provide assistance to identify and locate other third-party representatives or organizations.

VA Personnel providing assistance to persons who indicate or appear to exhibit signs of psychological or emotional disabilities shall: (1) Stay positive, personable, and professional. (2) Offer a quiet location to hear, read, understand, and respond to questions or information. (3) Repeat information clearly and concisely and provide written instructions if needed (4) Assist the customer in staying focused by asking clarifying questions or providing reminders of the task. (5) Refrain from answering personal questions that may be directed towards VA Personnel. (6) Communicate in a courteous, thorough, direct, and specific manner.

## **Appendix E – Providing Aid to Persons with Mobility or Physical Disabilities**

VA Personnel shall be made available with the ability to understand and communicate with persons with mobility or physical disabilities on the level of assistance needed by the individual. Due to varying degrees of mobility or physical disabilities awareness and access to numerous accommodations shall be made available timely to aid individuals with mobility or physical disabilities.

Assistive Aids and Devices: (1) Service online, by telephone, by videoconferencing, or in office; (2) Standard print notice by first-class mail with a follow-up telephone call; (3) Assistance filling out forms, completely if necessary, due to the different levels of dexterity limitations; (4) Referral to local advocates who may also provide service by conducting home visits; (5) More time to provide information (when good cause is shown); and (5) Assistance from verified third-party representatives or organizations who can provide service by conducting home visits.

Additionally, persons with mobility and physical disabilities shall be provided: (1) Accessible parking; (2) Level entry or ramp access; (3) Automatic door openers; (4) Office space with ample circulation space and turning radius for individuals using a mobility device, such as wheelchairs or scooters; (5) Ergonomic seating options such as bariatric chairs, chairs with assist lift cushions, forward leaning chairs, and stand/lean stools; and (6) Accessible restrooms with grab bars, accessible sinks and hand towels, and ample circulation space and turning radius for individuals using a mobility device such as wheelchairs or scooters.

VA Personnel providing assistance to persons with mobility or physical disabilities shall: (1) Offer assistance and patiently wait for the response details that identifies exactly the assistance that is needed; (2) Make every effort to ensure assistance is provided at wheelchair or scooter accessible locations; (3) Make every effort to sit at eye level so persons in wheelchairs or scooters do not have to crane their necks to look up and make eye contact; (4) Communicate directly to the person in the wheelchair or scooter, which may require moving to a private space and pulling up a chair. This does not include leaving the office to provide service outside of the office such as in a van or other location; (5) Refrain from touching, holding onto, or pushing the wheelchair or scooter, which is a body space part of a person with a mobility or physical disability; (5) Refrain from moving an assistive device out of reach; and (6) Offer assistance with filling out forms, completely if necessary, due to different dexterity limitations levels.

## Appendix F – Filing a Section 504 External Complaint

### Section 504 External Complaint Requirements

Your Section 504 Complaint must:

- Be filed in writing by mail, fax, e-mail, or via the ORM Civil Rights Division (ORMCRD) Complaint Portal.
- Name the health care or social service provider involved, and describe the acts or omissions, you believe violated civil rights laws or regulations.
- Be filed within 180 calendar days of when the alleged act of discrimination occurred. The ORMCRD may extend the 180-day period if you can show good cause.

### File a Civil Rights Complaint Online

Open the ORMCRD Complaint Portal and select the type of complaint you would like to file. Complete as much information as possible, including:

- Information about you, the complainant;
- Details of the complaint; and
- Any additional information that might help the ORMCRD when reviewing your Section 504 complaint.
- Electronically sign the complaint and complete the consent form. After completing the consent form, you will be able to print out a copy of your complaint to keep for your records.

### File a Civil Rights Complaint in Writing

File a Complaint Using the Civil Rights Discrimination Complaint Form Package by opening and filling out the Civil Rights Discrimination Complaint Form Package. You will need Adobe Acrobat Reader software to fill out the complaint and consent forms. You may either:

- Print and mail the completed complaint and consent forms to:

Department of Veterans Affairs, Office of Resolution Management, Civil Rights Division, 1575 I Street, NW, 10<sup>th</sup> Floor, Washington, DC 20005.

- Email the completed complaint and consent forms to:

Section504.Complaint@va.gov (please note: communication by unencrypted email presents a risk that personally identifiable information contained in such an email, may be intercepted by unauthorized third parties).

### **File a Complaint without the Civil Rights Discrimination Complaint Form Package**

If you prefer, you may submit a written complaint in your own format by either:

#### **Mail to:**

**Department of Veterans Affairs  
Office of Resolution Management  
Civil Rights Division  
1575 I Street, NW, 10<sup>th</sup> Floor  
Washington, DC 20005**

Email to: [Section504.Complaint@va.gov](mailto:Section504.Complaint@va.gov)

Be sure to include:

- Your name;
- Full address;
- Telephone numbers (include area code);
- E-mail address (if available);
- Name, full address and telephone number of the person, VA entity you believe discriminated against you;
- A brief description of what happened, including how, why, and when you believe your (or someone else's) civil rights were violated;
- Any other relevant information;
- Your signature and date of complaint; and
- The name of the person on whose behalf you are filing if you are filing a complaint for someone else.

You may also include:

- Any special accommodations for us to communicate with you about this complaint;
- Contact information for someone who can help us reach out to you if we cannot contact you directly; and
- If you have filed your complaint somewhere else identify where you have filed the complaint.
- If you mail a complaint, be sure to send it to:

**Department of Veterans Affairs  
Office of Resolution Management  
Civil Rights Division  
1575 I Street, NW, 10<sup>th</sup> Floor.  
Washington, D.C. 20005**

You do not need to sign the complaint and consent forms when you submit them by email because submission by email represents your signature.



## **What to Expect After Your Complaint is Filed**

The following describes how Administrations, Staff Office, and facility EEO program offices investigate Civil Rights Complaints:

Once a complaint is received, appropriate Administration, Staff Office, or facility EEO program offices determine if there is the legal authority to review and investigate the complaint. Administration, Staff Office, and facility EEO program offices have authority over:

- Entities for which Administration, Staff Office, or facility EEO program offices have been designated enforcement responsibility by another agency;
- Once it is clear that an Administration, Staff Office, or facility EEO program office can handle your complaint, the investigator shall gather information by:
  - Interviewing witnesses, possibly including you;
  - Obtaining documentation; and
  - Making visits to appropriate sites.

## **What Happens After the Investigation**

At the end of the investigation, the appropriate Administration, Staff Office, or facility EEO program office will issue a letter presenting its decision on whether your rights have been violated.

If an Administration, Staff Office, or facility EEO program office determines your rights have been violated, the facility, beneficiary office, or Staff Office that violated your rights is granted a specific time period to correct the violation or provide the Administration, Staff Office, or facility EEO program office with a plan of correction. Corrective action may include:

- Changing a policy or procedure;
- Providing a service;
- Restoring lost benefits; and
- Providing notice to clients and employees that a recipient has taken steps to comply with a federal statute or regulation.

If the facility, beneficiary office, or Staff Office is unwilling to take corrective action, the Administration, Staff Office, or facility EEO program office shall recommend initiating enforcement proceedings. Additionally, corrective or disciplinary action may be taken against VA Personnel determined to have responsibility in the violations.

## **Complaint Procedures**

The VA shall process complaints alleging violations of Section 504 with respect to employment according to the procedures established by the Equal Employment

Opportunity Commission in 29 CFR Part 1614 pursuant to Section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and the VA's External Complaints Processing Standard Operating Procedures.

The External Civil Rights Program Manager shall accept and forward all complaints for investigate to the appropriate Administration, Staff Office, or facility EEO program office to complete complaints for which it has jurisdiction. All completed complaints must be filed within 180 calendar days of the alleged act of discrimination. The External Civil Rights Program Manager may extend this time for good cause.

If the External Civil Rights Program Manager receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to refer the complaint to the appropriate Federal government entity.

The National Section 504 Accessibility Program Manager shall notify the United States Access Board upon receipt of any complaint alleging a building or facility that is subject to the Architectural Barriers Act of 1968, as amended 42 U.S.C. §§ 4151 – 4157, is not readily accessible to and usable by individuals with disabilities.

Within 180 calendar days of the receipt of a completed complaint for which it has jurisdiction, the Administrations, Staff Office, or facility EEO program offices shall notify the complainant of the results of the investigations in a letter containing:

- Findings of fact and conclusions of law;
- A description of a remedy for each violation found; and
- A notice of the right to appeal.

## **Appeals**

Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant within 60 calendar days of receipt of the VA's decisional documentation. The External Civil Rights Program Manager may extend this time for good cause.

Timely appeals shall be accepted and processed by the ORM. Decisions on such appeals shall not be heard by the person who made the initial decision.

ORM shall notify the complainant of the results of the appeal within 60 calendar days of the receipt of the request. If ORM determines that it needs additional information from the complainant, it shall have 60 calendar days from the date it receives the additional information to make its determination on the appeal.

The time limits cited in Section 4, subsection h, subparagraphs 7, 8 and 10 of this handbook may be extended with the permission by the Department of Justice, Office of the Assistant Attorney General, Civil Rights Division, Disability Rights Section.

## Appendix G – Definitions

Term/Phrase	Definition	Source
<b>Agency</b>	Department of Veterans Affairs or any component part of the Department of Veterans Affairs that conducts a program or activity covered by this policy compliance statement.	
<b>Auxiliary Aids and Services</b>	Qualified interpreters on site or VRI Services; note takers; real-time computer-aided transcription services; captioning service; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including TTYs, videophones, and captioned telephones, or equally effective telecommunication devices, videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing; qualified readers; taped texts; audio recordings; brailled materials and displays; screen reader software; magnification software; optical readers; SAPs; large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision; acquisition or modification of equipment or devices; and other similar services and actions.	
<b>Complete complaint</b>	A written statement that contains the complainant's name and address and describes the VA's alleged discriminatory action in sufficient detail to inform the VA of the nature and date of the alleged violation of Section 504. It shall be signed by the complainant or by someone authorized to do so on his or her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.	
<b>Disability</b>	<i>Disability</i> means, with respect to an individual: (i) A physical or mental impairment that substantially limits one or more of the major life activities of such	

Term/Phrase	Definition	Source
<b>Facility</b>	<p>individual; (ii) A record of such an impairment; or (iii) Being regarded as having such an impairment.</p> <p>All or any portion of buildings, structures, sites, complexes, equipment, roads, walks, passageways, parking lots, rolling stock or other conveyances, or other real or personal property, including the site where the building, property, structure, or equipment is located.</p>	
<b>Federal financial assistance</b>	<p>Federal financial assistance means any grant, cooperative agreement, loan, contract (other than a direct Federal procurement contract or a contract of insurance or guaranty), sub-grant, contract under a grant, or any other arrangement by which the VA provides or otherwise makes available in the form of: funds; services of Federal Personnel; real and personal property or any interest in or use of such property, including: transfers or leases of such property for less than fair market value or for reduced consideration; and proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government; and any other thing of value by way of grant, loan, contract, or cooperative agreement.</p>	
<b>Program or Activity</b>	<p>The VA shall ensure appropriate accessibility to afford individuals with disabilities equal opportunity to participate in, enjoy the benefits of, and not be subjected to discrimination on the basis of disability under any program or activity that serves a public purpose conducted by the VA.</p>	
<b>Eligible Individual with a disability</b>	<p>An individual who is Veteran, family member, or legal partner of a Veteran, Veteran's representative, or beneficiary who is eligible for VA programs, services and activities, or a member of the public who rightfully needs to gain access (such as an invited quest, vendor, etc.) who has a documented disability (does not have to be rated).</p>	