

United States of America DEPARTMENT OF COMMERCE	DEPARTMENT ADMINISTRATIVE ORDER 209-8	
DEPARTMENT ADMINISTRATIVE ORDER SERIES	DATE OF ISSUANCE 12/04/2017	EFFECTIVE DATE 12/04/2017
SUBJECT ACCESS FOR INDIVIDUALS WITH DISABILITIES TO MEETINGS AND OTHER GROUP EVENTS		
<p><u>SECTION 1. PURPOSE.</u></p> <p>.01 This Order sets forth Department of Commerce (the Department) policies and requirements for providing accessibility to meetings, events, and other gatherings for individuals with disabilities.</p> <p>.02 This revision reflects changes in definitions and terminology, adds responsibilities for contractor-provided training, and provides general updates. The title of the Department Administrative Order (DAO) 209-8, as well as the title of Section 2 have been changed respectively to replace: "People" with "Individuals" and "Background" with "Policy."</p> <p><u>SECTION 2. POLICY.</u></p> <p>.01 Section 501 of the Rehabilitation Act of 1973, as amended, requires, in part, that Federal employers are to provide reasonable accommodations to qualified Federal employees and applicants with disabilities as long as the accommodation does not create an undue hardship on the employer. Meetings, presentations, training and other group events are integral parts of the employment experience. It is the Department's policy to provide qualified employees and applicants with disabilities with access to aspects of employment.</p> <p>.02 Section 504 of the Rehabilitation Act of 1973, as amended, requires, in part, that federally-sponsored or facilitated meetings, conferences, presentations and programs to which members of the public are invited or admitted must be accessible to individuals with disabilities. It is the Department's policy to provide individuals with disabilities full access to Departmental programs, information and services.</p> <p>.03 Section 508 of the Rehabilitation Act of 1973, as amended, requires in part, that electronic and information technology (EIT) developed, maintained, procured, or used by the Federal Government after June 21, 2001, be accessible to individuals with disabilities, including employees and members of the public. It is the Department's policy to provide individuals with disabilities access to EIT developed, maintained, procured, or used by the Department that is comparable to the access available to individuals without disabilities.</p> <p><u>SECTION 3. DEFINITIONS.</u></p> <p>.01 <u>Accessible</u> means that agency programs, activities, and services are obtainable and readily usable by individuals with disabilities.</p>		

.02 Advance request means a reasonable amount of prior notice, generally at least five (5) business days.

.03 Alternate formats usable by individuals with disabilities may include, but are not limited to, Braille, ASCII text, large print, recorded audio, and electronic formats that comply with Section 508.

.04 Alternate methods are simply different means of providing information, including product documentation, to individuals with disabilities. Alternate methods may include, but are not limited to, voice, fax, relay service, videophone (VP), internet posting, captioning, text-to-speech synthesis, and audio description.

.05 Assistive technology includes any item, piece of equipment or system, whether acquired commercially, modified or customized, that is commonly used to increase, maintain, or improve functional capabilities of individuals with disabilities.

.06 Auxiliary aids mean services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in and enjoy the benefits of programs or activities conducted by operating units.

For example, auxiliary aids useful for persons with impaired vision include screen reader software, materials on electronic disk, readers, Braille materials, and audio recordings. Auxiliary aids useful for persons who are Deaf/Hard of hearing (Hoh) include telephone handset amplifiers, telephones compatible with hearing aids, videophones, interpreters, note takers, written materials, and other similar services and devices. Auxiliary aids do not include individually prescribed devices such as hearing aids, readers for personal use or study, or other such devices or services of a personal nature.

.07 Departmental meeting means a gathering of Department employees sponsored or initiated by an operating unit or its components, such as staff meetings, briefings, informational presentations, conferences, receptions, celebratory programs, awards ceremonies, holiday commemorations and interactive exhibits.

.08 Electronic and information technology includes information technology and any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion, or duplication of data or information. The term information and communication technology (ICT) includes, but is not limited to, telecommunications products (such as telephones), information kiosks and transaction machines, World Wide Web sites, multimedia, and office equipment such as copiers and fax machines.

.09 Facility means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property, whether owned, leased, rented or managed by a Departmental operating unit.

.10 Physically accessible location means a facility or part of a facility which meets the Architectural Barriers Act Accessibility Standards (ABAAS) (36 CFR part 1191, Appendices C and D).

- .11 Public meeting means a gathering as defined by paragraph 3.07 of this Order which may or may not admit employees, and is open to the participation of non-employees such as interested citizens, business representatives, State or local government officials, contractors, or non-Departmental officials or employees.
- .12 Qualified refers to an individual with a disability who meets the legitimate skill, experience, education, or other requirements of an employment position that he or she holds or seeks, and who can perform the "essential functions" of the position with or without a reasonable accommodation.
- .13 Reasonable Accommodation refers to any change in the workplace or the way things are customarily done that provides an equal employment opportunity to an individual with a disability. While there are some things that are not considered reasonable accommodations (e.g., removal of an essential job function or personal use items such as a hearing aid that is needed on and off the job), reasonable accommodations can cover most things that enable an individual to apply for a job, perform a job, or have equal access to the workplace and enjoy employee benefits such as kitchens, parking lots, and office events. For more information, see DAO 215-10, Reasonable Accommodation for Employees or Applicants with Disabilities.
- 14 Videophone is a device that assists Deaf/Hoh individuals who use sign language in communicating with others. The phones can be used by Deaf/Hoh individuals to communicate with each other over the phone, or with hearing people through a sign language interpreter. If you see "VP" after a phone number, it means that number is for "video phone" use.
- .15 Training refers to seminars, conferences, skill building courses and professional meetings, attended by Department employees within the scope of employment, with the funding or approval of an operating unit, or educational gatherings sponsored by an operating unit for the benefit of employees and/or non-employee participants.
- .16 Undue Hardship is an action that requires significant difficulty or expense and focuses on the resources and circumstances of the particular employer in relationship to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, violate law, or those that would fundamentally alter the nature or operation of the business, as assessed by the employer on a case-by-case basis. This is not an all-inclusive list of the factors to be considered. Decision makers must seek guidance from and consult with the bureau's Reasonable Accommodations Coordinator and the Office of General Counsel (OGC) before determining that an undue hardship would occur if an accommodation were to be provided. For more information, see DAO 215-10.

SECTION 4. APPLICATION.

- .01 Accessibility Requirements.
- a. Departmental meetings and public meetings which are open to attendees without prior registration must:
1. Be conducted in physically accessible locations;

2. Provide qualified, professional sign language interpreters. To request a sign language interpreter in the Herbert C. Hoover Building, send an e-mail to slanguage@doc.gov or call (202) 482-4481 (voice) / (202) 888-7763 (VP). For interpreters in other locations, contact the bureau Reasonable Accommodations Coordinator.
3. Provide other auxiliary aids upon advance request. Although the Department should give consideration to the individual's preferred accommodation, the Department is free to choose any effective accommodation in light of the situation and circumstances of each request.
 - b. Consistent with this Order, Departmental facilities which admit visitors for informational inquiries or services, educational programs, presentations, tours or celebrations must be physically accessible and have appropriate auxiliary aids upon advance request.
 - c. All training and informational multimedia presentations which support the Department's mission (both live and pre-recorded) must contain open or closed captioning, regardless of anticipated audience (this rule does not apply for video created or purchased before June 21, 2001). Live broadcast or other live video presentations for employees or visitors, as well as pre-recorded videos, must be captioned. Information on available sources for captioning can be provided by the Office of Civil Rights or the bureau Reasonable Accommodations Coordinator.
 - d. All printed materials distributed to participants will also be made available in alternative methods specifically requested by event participants. This includes all electronic based training modules, Power Point slides, and other handouts or documentation. Text-supported exhibits open to employees and/or visitors to Department facilities must be made available via alternative formats or read aloud to visually-impaired participants upon request.
 - e. Training.
 1. Training courses sponsored or contracted by operating units must be held in physically accessible locations and provide auxiliary aids or alternative formats to participants with disabilities upon advance request.
 2. Operating units, that furnish training at non-Departmental sites, whether public or private, must, upon advance request, provide employees with disabilities with reasonable accommodations not otherwise provided by the vendor.
 - f. Electronic and information technology developed, maintained, procured, or used by the Department after June 21, 2001, must be accessible to qualified individuals with disabilities. More information on Section 508 standards and policies for EIT accessibility is available through the Departmental or bureau Chief Information Officer.
 - g. All facility's Occupant Emergency Plans must include provisions for assisting participants with disabilities during a shelter-in-place or full evacuation. The facility's procedures for assistance during an emergency must be addressed by the event's sponsor during the event's introductory remarks.
 - h. Requirements governing attendance at classified meetings may apply. Please contact the servicing security officer for further information.

.02 Exceptions.

- a. All requests for a reasonable accommodation must be submitted in a timely manner and through the proper procedures. The Department cannot guarantee that untimely requests for accommodations and those submitted improperly will be provided.
- b. A sign language interpreter is not required for Departmental meetings and training courses which are restricted to specific, identified employees, none of whom are Deaf/Hoh.
- c. A sign language interpreter must be provided for meetings and trainings which require advance registration and a request for interpreting services has been submitted. Note: Interpreting services are not guaranteed for requests made less than five (5) business days prior to the event.
- d. Departmental meetings and training courses which are restricted to specific, identified employees, none of whom have mobility impairments, are not required to be held in locations that meet the Architectural Barriers Act (ABA) and Americans with Disabilities Act (ADA) standards.
- e. Meetings which require advance registration must always be held in a physically accessible location.

.03 Prohibition of Exclusion. Nothing in paragraph 4.02 of this Order will be construed:

- a. To discourage the employment of qualified individuals with disabilities;
- b. To permit the exclusion of qualified individuals with disabilities from training; nor
- c. To permit the exclusion of qualified individuals with disabilities who would otherwise be invited or admitted to Departmental or public meetings.

.04 Notification.

- a. All announcements, notices, or invitations posted, delivered or published for gatherings subject to subparagraph 4.01 and 4.02 of this Order must include the following notice:

“This program is physically accessible to individuals with disabilities. Requests for sign language interpreting or other accommodations should be directed to (name) (voice/videophone number and email) and/or RAC (name) (voice/videophone number and email).”

- b. The person responsible for coordinating accommodations for the event should, if possible, speak with the person requesting the accommodation to ascertain: 1) their specific limitation (i.e. total blindness, partial vision, color-blindness, Deaf or hard of hearing); 2) the type of accommodation needed (i.e. sign language interpreter, wireless communication system without a sign language interpreter, Computer Assisted Real Time captioning, etc.); and/or 3) how their needs can be effectively accommodated. Use of a registration form is highly recommended to identify, in advance, any special accommodations that may be needed.

.05 Non-Departmental Users of Department Facilities. Non-Departmental groups, both public and private, are required to comply with this Section as a prerequisite for using Departmental facilities for meetings. See also DAO 206-5, Occasional Use of Public Areas in Public Buildings,

and DAO 217-19, Use of Department of Commerce Facilities for Proprietary or Non-Proprietary Research Purposes.

SECTION 5. RESPONSIBILITIES.

.01 Program Sponsors. The operating unit sponsoring, initiating or facilitating a Departmental or public meeting is responsible for:

- a. Ensuring that such events are presented in physically accessible locations;
- b. Providing qualified, professional sign language interpreters, audio assistive listening devices for Deaf/Hoh participants, or other such auxiliary aids requested by qualified participants with disabilities; and
- c. Expenses necessary to comply with Section 4 of this Order.

.02 Non-Departmental Users of Departmental Facilities are responsible for expenses necessary to comply with Section 4 of this Order.

SECTION 6. COMPLIANCE.

.01 Employees and applicants for employment may file a complaint of inaccessibility using procedures for filing an EEO Complaint found on the Office of Civil Rights homepage at <http://www.osec.doc.gov/ocr/default.htm>, or in DAO 215-9, Filing Discrimination Complaints.


.02 Non-employees may file complaints of inaccessibility under the procedures set forth at 15 CFR Section 8c.70. Complaints about disability discrimination in programs conducted by the Department, including its Bureaus and Operating Units, may be filed with the Equal Employment Opportunity Officer of the Bureau or the Director, Office of Civil Rights (OCR). OCR staff are available to provide assistance with filing complaints by calling (202) 482-4993 (voice) or (202) 888-7763 (VP).

SECTION 7. EFFECT ON OTHER ORDERS.

This Order supersedes Department Administrative Order 209-8, dated January 23, 2008.


Director for Civil Rights

Approved:


Acting Chief Financial Officer/Assistant Secretary
for Administration, and Deputy Assistant Secretary
for Administration

Office of Primary Interest: Office of Civil Rights