



UNITED STATES MARINE CORPS
HEADQUARTERS UNITED STATES MARINE CORPS
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MARINE CORPS ORDER 5230.22

From: Commandant of the Marine Corps
To: Distribution List

Subj: SECTION 508 ELECTRONIC AND INFORMATION TECHNOLOGY (E&IT)
POLICY

Ref: (a) Section 508 (29 U.S.C. § 794d)
(b) 29 U.S.C 2801
(c) Section 5142 (40 U.S.C 1452)
(d) 29 U.S.C 701
(e) FAR Subpart 39.2
(f) 36 CFR Part 1194
(g) FAR 39.203
(h) FAR 39.204
(i) DODM 8400.01-M
(j) SECNAV M-5210.1

1. Situation.

a. General. In accordance with reference (a) the Marine Corps shall comply with Section 508 standards by making its Electronic and Information Technology (E&IT) disability-accessible to Marine Corps employees and the public. This includes e-mails, attachments, graphics, websites, software, audio/video files, printers, copiers, fax, keyboards, and telephones. The policy establishes guidelines for compliance with Section 508 standards, and ensures that the Marine Corps shall report via Department of Navy (DON) Chief Information Officer (CIO) every two years to the Department of Justice (DOJ) and the General Services Administration (GSA) on their compliance with the requirements of the law and on any actions on individual complaints.

b. Background. In 1986, Congress added Section 508 to the Rehabilitation Act of 1973 (reference (a)) that established non-binding guidelines for information technology (IT) accessibility. On August 7, 1998, the President signed into law the Workforce Investment Act of 1998 (reference (b)), which included amendments to the Rehabilitation Act that significantly expanded and strengthened the IT accessibility requirements in Section 508 and made them required for federal agencies. Section 508, as amended, requires that federal agencies develop, procure, maintain, and use E&IT to ensure that: Individuals with disabilities who are Federal employees have access to and use of information and data that is comparable to the access and use of the information and data by Federal employees who are not individuals with disabilities. Violations of Section 508 can have significant ramifications. If the Marine Corps does not provide comparable access to E&IT, an individual with a disability can file an administrative complaint or a civil lawsuit. Federal agencies must report to the DOJ and the GSA biannually on their compliance with the requirements of the law and on any actions on individual complaints. The report should be in the form of a survey and submitted to DOJ for review.

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2. Mission. Ensure that when the Marine Corps develops, procures, maintains, or uses E&IT, individuals with disabilities have access and use of information and data that is comparable to the access and use of the information and data by Federal employees who are not individuals with disabilities. This Order does not apply to E&IT National Security Systems (NSS), which involve intelligence activities as defined in reference (c). An NSS does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

3. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent.

(a) Purpose. To ensure individuals with disability requiring access to Marine Corps E&IT are able to do so.

(b) End State. Marine Corps employees with disabilities shall be able to perform their jobs regardless of when the E&IT was purchased. E&IT shall be compatible with employees' assistive devices, systems and networks used by the Marine Corps, or be capable of becoming compliant with Section 508 should an employee need such an accommodation.

(2) Concept of Operations

(a) The Marine Corps shall make its E&IT accessible to all personnel, including personnel with disabilities, in accordance with the references. E&IT (including internal and external components residing on systems, networks, websites, and facilities) covered by this Order shall adhere to the assertion that:

(b) The Government shall comply with standards identified in paragraph 4a unless one or more of the exceptions identified in paragraph 3c(6) apply.

b. Subordinate Element Missions

(1) Deputy DON CIO, Marine Corps

(a) Enforce compliance with Section 508.

(b) Ensure submission of reports/survey data.

(c) Appoint the Marine Corps Section 508 Coordinator.

(d) Address Section 508 complaints.

(e) Address E&IT accessibility issues.

(f) Maintain knowledge of Section 508 accessibility standards and, unless an exception applies, ensure applicable standard(s) are included in all acquisition packages for E&IT.

(g) Be properly trained regarding requirements of Section 508 and complete basic Section 508 training as prescribed by the Marine Corps Section 508 Coordinator.

(h) Ensure all Marine Corps employees have a general awareness and understanding of the Section 508 requirements and their implications.

(i) Track compliance with Section 508 to make Marine Corps information accessible through E&IT to individuals with disabilities.

(j) Take proactive actions to ensure that all E&IT and all new or revised information be made available on the internet and/or the intranet to meet all applicable technical provisions from Section 508 accessibility standards prescribed by the United States Access Board.

(2) Marine Corps Section 508 Coordinator

(a) Chair the Marine Corps Section 508 Working Group.

(b) Set roles and responsibilities for Working Group.

(c) Set Section 508 criteria for E&IT products/services.

(d) Organize training sessions on Section 508 compliance.

(e) Develops required reports.

(f) Provide feedback to OSD on website deficiencies.

(g) Maintain knowledge of Section 508 accessibility standards and, unless an exception applies, ensure applicable standard(s) are included in all acquisition packages for E&IT.

(h) Track compliance with Section 508 to make Marine Corps information accessible through E&IT to individuals with disabilities.

(i) Take proactive actions to ensure that all E&IT and all new or revised information be made available on the internet and/or the intranet to meet all applicable technical provisions from Section 508 accessibility standards prescribed by the United States Access Board.

(3) HQMC C4 CIO Division Chief

(a) Be properly trained regarding requirements of Section 508 and complete basic Section 508 training as prescribed by the Marine Corps Section 508 Coordinator.

(b) Ensure all Marine Corps employees have a general awareness and understanding of the Section 508 requirements and their implications.

(4) Contracting Officers

(a) Award contracts after complying with procurement statutes and regulations.

(b) Provide basic language regarding Section 508 relevance, Section 508 applicability, Section 508 factors for proposal evaluation, and Section 508 criteria for deliverable acceptance.

(c) Assist Requesting Official with market research for accessible E&IT.

(d) Review Statements of Work (SOW) to ensure Section 508 requirements are addressed.

(e) Ensure solicitations include the applicable clauses for E&IT for Section 508 compliance.

(f) Understand the requirements of Section 508 as it relates to procuring E&IT products and services.

(g) Verify that, unless an exception applies and is appropriately documented, the Section 508 Compliance specification is included in technical requirements documents.

(5) Supervisors

(a) Assess employee need for Assistive Technology.

(b) Ensure employee Assistive Technology needs are met.

(c) Facilitate reasonable accommodations for employees.

(6) Marine Corps employees shall comply, or be capable of complying, with paragraph 4c unless one or more of the exceptions apply as noted in paragraph 3c(6).

c. Coordinating Instructions

(1) Section 508 Mandatory Requirements. The Marine Corps shall ensure that all E&IT developed, modified, and/or acquired after June 21, 2010 are consistent with the requirements of Section 508. The Access Board identifies Section 508 standards to interested contractors. As upgrades and changes are made to existing Marine Corps E&IT products and services, they must comply with the Access Board's E&IT Accessibility Standards. All E&IT developed must adhere to the criteria set forth by the Section 508 criteria.

(2) Section 508 Exceptions. All E&IT systems or products that provide direct services to the public or to Federal employees will be accessible to personnel with disabilities, unless a formal exception request is approved in accordance with Marine Corps procedures established under this Order. Approval of an exception does not diminish or mitigate obligations under other sections of the Rehabilitation Act (reference (d)). Exception determinations are required prior to contract award, except for indefinite delivery indefinite quantity (IDIQ) contracts. Any task or delivery order issued under an IDIQ for non-compliant items must meet an applicable exception. An exception to the Access Board's technical provisions may also be granted if: A compliant product or service is not available, or meeting the applicable provisions would require the Marine Corps to alter its requirements to the point where the procured E&IT would not meet the Marine Corps needs.

(3) Section 508 Complaints. Any individual may file a complaint alleging that the Marine Corps does not comply with the law. All complaints regarding an individual's inability to obtain access to Marine Corps information and data through its E&IT will be made and processed in an orderly and prompt manner in accordance with the Equal Employment Opportunity (EEO) process. In addition to the formal complaint process, the Marine Corps will establish alternatives to facilitate communication from appropriate parties while procuring, developing, using, and deploying E&IT. The Marine Corps will also elicit, record, and analyze informal troubleshooting suggestions from persons with disabilities who use the Marine Corps' E&IT.

(4) Undue Burden Finding

(a) The U.S. Access Board's standards and the Federal Acquisition Regulations (FAR) define an undue burden as a significant difficulty or expense. In determining whether acquiring E&IT that meets all or part of the applicable technical provisions of the Access Board's standards would impose an undue burden, the Marine Corps must consider all resources available to its program or component for which the supply or service is being acquired. Undue burden determinations must be documented.

(b) If the Marine Corps determines that compliance with U.S. Access Board standards in procurements imposes an undue burden, in coordination with Commandant of the Marine Corps (CMC) Legal Counsel (CL), it shall document why and to what extent compliance with each provision in the standards creates an undue burden and include a copy of the documentation in the contract file. The requesting official must clearly explain why meeting one or more of the otherwise applicable technical provisions creates an undue burden, and for each provision that creates an undue burden must describe:

1. Products or services required.
2. Dollar value of the acquisition.
3. Applicable technical provision that cannot be met.
4. Market research performed for commercial items.
5. Costs if monetary expense is deemed prohibitive.

(c) The Section 508 Coordinator shall establish a process for documenting, tracking, and approving instances in which the undue burden exception is invoked. A finding that undue burden exists does not absolve the Marine Corps of the requirement to provide comparable access to persons with disabilities.

(5) Reasonable Accommodation and Assistive Technology. Reasonable accommodation is defined as any change in the work environment or in the way things are customarily done that enables a qualified individual with a disability to enjoy equal employment opportunities. Generally, there are three categories of reasonable accommodations the Marine Corps shall adhere to:

(a) Make modifications or adjustments to job application processes that enable a qualified applicant with a disability to be considered for a given position.

(b) Make modifications or adjustments to the work environments that enable a qualified individual with a disability to perform the essential functions of the position.

(c) Make modifications or adjustments that enable a qualified employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.

(d) Reasonable accommodation may be requested consistent with applicable laws, rules, regulations and policies.

(6) Legal/Regulatory Scope

(a) Reference (e) implements applicable acquisition accessibility standards of references (a) and (f). Reference (g) states that unless an exception in FAR 39.204 (reference (h)) applies, acquisition of E&IT assets and services must meet the accessibility standards of reference (f).

(b) USMC activities should continue to review procurement and IT policies and procedures to confirm Section 508 standards are appropriately considered and clearly stated when preparing requirements and/or solicitation documents.

(c) Unless an exception in reference (h) applies, reference (e) requires acquisitions of E&IT assets and services to meet the applicable accessibility standards.

4. Administration and Logistics

a. Extensive information regarding Section 508, including an overview of the law and regulations, training, Frequently Asked Questions (FAQs), Section 508 Standards Guide are available at www.section508.gov.

b. Additional recommendations and guidance for implementing Section 508 within the DoD can be found in reference (i).

b. The Marine Corps Section 508 Coordinator is available to provide technical assistance at 703-695-1006.

c. Recommendations concerning the contents of this Order may be forwarded to HQMC Command, Control, Communications, and Computers (C4) CIO Division via the appropriate chain-of-command.

d. Records created as a result of this Order shall be managed according to National Archives and Records Administration approved dispositions per reference (j) to ensure proper maintenance, use, accessibility and preservation, regardless of format or medium.


5. Command and Signal

a. Command

(1) This Order applies to all Marines, Marine Corps employees, and contractors.

(2) This Order does not apply to a Marine Corps contractor's own internal workplace E&IT, but does apply to any final E&IT products by contractors for the Marine Corps. According to reference (g), E&IT has the same meaning as "information technology," except E&IT also includes any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion, or duplication of data or information. The term E&IT, includes, but is not limited to, telecommunication products (such as telephones), information kiosks and transaction machines, websites, multimedia, and office equipment (such as copiers and fax machines).

b. Signal. This Order is effective the date signed.


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