

**REQUEST FOR EXCEPTION TO
SECTION 508 REQUIREMENT (29 U.S.C. 794D)**

Requestor: _____ Telephone: _____

Department: _____ Office Director: _____

1. PLEASE IDENTIFY YOUR REASON FOR REQUESTING AN EXCEPTION:

(a) the EIT is located in spaces frequented only by service personnel for maintenance, repair or occasional monitoring of equipment.

(b) other circumstances

2. DESCRIPTION OF CIRCUMSTANCES (attach documentation to support your request)

FOR OCIO USE ONLY

The Subcommittee on Exceptions has examined the exception request and associated documentation. Based on this information, we hereby grant the need for an exception to the 508 standards for a time period of _____ . This exception is being granted under the assumption that the EIT can be made accessible by the time period stated above.

Other terms for issuing this exception:

The request for an exception to the 508 standards is hereby denied, based on the following reason(s):

RECOURSE BASED ON DENIAL OF REQUEST

You have _____ days to clarify your position, submit appropriate documentation and resubmit your request for reconsideration.

Processing Information:

E-mail this document to 508Exceptions@gsa.gov You should expect a response to your request within 7 days, if all required information has been submitted. To request a status, please call (202) 208-0799.

Final Approving Authority:

Designated Official

Date

Supporting Information and Guidance

Overview

An organization may need to request that their electronic and information technology (EIT) be granted an exception from meeting the requirements of bringing their EIT product and/or service into conformance with (29 U.S.C. 794D) Section 508.

A subcommittee of the GSA Section 508 Taskforce will entertain requests on a case by case basis. The subcommittee will be drawn from the Task Force representatives or their delegates. The subcommittee will recommend a decision of approval or denial of the request for exception. If needed, in response to urgent and mission critical business priorities, a special session of the subcommittee may be called to review and pass their recommendation on an exception request. The Section 508 Coordinator or his or her managing director shall have the sole discretion to authorize a special session. Likewise, the Section 508 Coordinator or Manager will authorize final approval of the request, post review by the subcommittee, and return the form to the requestor.

Exception Requests:

The subcommittee will verify the veracity and factual accuracy of an exception request that is predicated upon the following grounds for an exception:

Back Office Exception. The EIT is located in spaces frequented only by service personnel for maintenance, repair or occasional monitoring of equipment (e.g., network switches and routers located in wiring closets) is an exception.

Once this has been verified as factually true then the exception can be de facto approved.

Other Circumstances:

There exists other grounds for entertaining an exception from the requirements, including Commercial Unavailability, Fundamental Alteration, Incidental to a Contract Exception and Undue Burden.

Commercial Unavailability

When acquiring commercial items, an agency must comply with those accessibility standards that can be met with supplies or services that are available in the commercial marketplace in time to meet the agency's delivery requirements. When EIT is not available, the market research performed and standards that cannot be met must be documented and included in the contract file.

The subcommittee shall review the exception requests based on the criterion factors set forth above. In addition, the review shall weigh into its assessment:

- whether the EIT had been purchased under a contract under which the provisions of bringing such EIT into conformance with section 508 was not properly included in the acquisition;
- whether there exists a time element or constraint that imposes a burden and/or limits the ability of the agency to meet the requirements;
- whether the EIT is of such a critical and urgent nature to the agency meeting its business objectives and/or mission that imposing complete conformity to section 508 would have deleterious effects on the agency, its customers, or the taxpayers.
- whether the EIT has been remediated and to the greatest extent practicable has been brought into conformity with the requirements.

Fundamental Alteration

By bringing the EIT into conformance with the requirements of section 508 it is altered in such a substantial fashion that it degrades the product or service in a fundamental way that it is substantially and negatively different from the EIT product or service needed by the agency.

Incidental to a Contract Exception

The EIT acquired by a contractor that is incidental to the contract is an exception. Section 508 only applies to products and services being produced by Federal agencies. Section 508 does not apply to a contractor's own internal workplace EIT.

Undue Burden

Agencies are required by statute to document the basis for an undue burden. Requiring organizations should be aware that when there is an undue burden, the statute requires an alternative means of access be provided to individuals with disabilities (Section 504). In determining whether an action would result in an undue burden, an agency shall consider all agency resources available to the program or component for which the product is being developed, procured, maintained, or used.

An undue burden is a purchase that would be considered a significant difficulty or expense. The significant difficulty or expense must be substantiated with the following:

- the applicable technical provisions of the Access Board's standards;
- the market research performed to locate items that meet the applicable technical provisions;
- the specific provisions that cannot be met as a result of undue burden;
- the estimated cost of acquiring EIT that meets the applicable technical provisions along with an explanation of how costs were estimated; and
- all funds available to the agency including the component for which the supply or service is being acquired.