

Operational Policy

Policy title:	Digital Accessibility in Hardware, Software and Systems		
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Purpose

The Oregon Department of Human Services (ODHS) and the Oregon Health Authority (OHA) are committed to providing equitable access to information and services. The agencies are committed to effective communications that are culturally and linguistically appropriate and accessible for a wide spectrum of people who have different communication needs or abilities. This commitment includes using information and communications technology (ICT) solutions that give individuals experiencing equity barriers the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services in an equally integrated and effective manner, and with equivalent ease as someone without that barrier, whether those solutions are developed in-house or acquired from a third party. This commitment applies to people who have been socially and economically marginalized and placed at higher risk of experiencing disadvantages, including people who primarily communicate in a language other than English, people who are Deaf, DeafBlind, Hard of Hearing, people who are blind or have low vision, people with color blindness, people with motor disabilities, people with neurodivergence, people with communication, intellectual, cognitive, developmental or learning disabilities, and people who use assistive technology.

Description

This policy describes the requirements for procuring or building ICT solutions in alignment with [Web Content Accessibility Guidelines 2.2 \(WCAG\)](#), level A and AA Guidelines.

Applicability

This policy applies to all ODHS and OHA staff including employees, volunteers, trainees and interns. This policy also applies to contractors who supply ICT solutions to or on behalf of the agency. This policy applies to all ODHS and OHA staff responsible for the purchase or other acquisition of agency services and tools such as the hardware and software provided to all staff, hardware and software provided to ODHS and OHA service recipients, and all other ICT solutions used to provide services and conduct business on behalf of ODHS and OHA.

As keepers of the public trust, all agency employees have a responsibility to comply with state and agency policies, administrative rule, and state and federal law. The agency takes this responsibility seriously and failure to fulfill this responsibility is not treated lightly. Employees who fail to comply with state or agency policy, administrative rule, or state and federal law may face progressive discipline, up to and including dismissal from state service.

Policy

1. For this policy, the term “information and communications technology (ICT) solutions” is used to describe information technology content, applications, and services and means:
 - a. All hardware and software, including but not limited to web and desktop applications.
 - b. Agency or 3rd party created multimedia and electronic content for internal or external users.
 - c. Electronic hardware, software and documents used by ODHS and OHA for communication with the community or each other.
2. This policy applies primarily to the acquisition, procurement, and remediation of ICT solutions and is complemented by specific policy related to the creation and sharing of content.
3. ODHS and OHA shall plan for accessibility in ICT solutions made available to staff or the public whether those ICT solutions are acquired, developed, customized, enhanced, modified, or procured, including but not limited to:
 - a. Commercial off-the-shelf (COTS).
 - b. Software as a service (SaaS).
 - c. Software available without cost.
 - d. On premise, cloud, or hosted services.
4. To ensure accessibility, ICT solutions used by ODHS and OHA shall use plain language content in formats that give individuals experiencing equity barriers the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services in an equally integrated and effective manner, and with equivalent ease as someone without that barrier. People who experience barriers to access may include but are not limited to people who:
 - a. Communicate primarily in a language other than English.
 - b. Have an audio or visual disability.
 - c. Are neurodivergent.
 - d. Have motor disabilities.
 - e. Have communication, intellectual, cognitive processing, development or learning disabilities.
 - f. Use assistive technology.
5. ODHS and OHA shall comply with Section 508 of the Rehabilitation Act (Section 508) and Web Content Accessibility Guides (WCAG) by using the following standards to measure the accessibility of ICT solutions acquired, procured, developed, modified, customized, or enhanced by the agencies.
 - a. Web and desktop applications:
[Web Content Accessibility Guidelines 2.2 \(WCAG\)](#), level A and AA Guidelines.
 - b. Multimedia content, electronic documents (see agency policy on accessible content creation):
[Web Content Accessibility Guidelines 2.2 \(WCAG\)](#), level A and AA Guidelines.
 - c. Web and desktop applications used to produce content:
[Authoring Tool Accessibility Guidelines 2.0 \(ATAG2\)](#), level A and AA Guidelines.
 - d. Portable Document Format (PDF) documents:
[ISO 14289-1:2014 Document management applications -- Electronic document file format enhancement for accessibility -- Part 1: Use of ISO 32000-1 \(PDF/UA-1\)](#).
 - e. Hardware that transmits information or has a user interface, such as display screens, variable message signs, and kiosks:
[Information and Communication Technology \(ICT\) Standards and Guidelines, Chapter 4: Hardware](#) of Section 508. See also [521 CMR 1.00 et seq.](#) issued by the Architectural Access Board for additional requirements for physical placement of such hardware.

6. When ODHS and OHA receive notice that an ICT solution does not fully comply with the ICT accessibility standards outlined in this policy, the relevant contract administrator in partnership with the Office of Information Services (OIS) shall notify the vendor of the lack of compliance and require the vendor to submit a mitigation plan within 30 days.
 - a. Notice may come to the relevant contract administrator or OIS through the procurement process, Human Resources (HR), Equity and Inclusion Division (E&I), Office of Equity and Multicultural Services (OEMS) or direct staff communication.
 - b. OIS shall create a process for receipt and review of notice related to lack of compliance and mitigation plans.
 - c. Existing ICT solutions will be remediated when the agency has opportunities for enhancement or contract renewal based on a prioritized list to be established by the agencies during implementation of this policy.
7. ODHS and OHA staff or service recipients may report accessibility issues to oemslanguage.services@odhsoha.oregon.gov and ada.dhs@odhsoha.oregon.gov (for ODHS) or oha.adamodifications@odhsoha.oregon.gov (for OHA) for response and management.
8. The mitigation plan shall:
 - a. Identify and analyze defects to determine the effect on people's ability to use the ICT solution.
 - b. Address all identified defects based on the analysis.
 - c. Outline strategies, specific activities, emergent technologies, or other actions needed to minimize the difficulties people with disabilities may have in using the deficient ICT solution.
 - d. Include planned remediation, configuration, or customizations and reasonable accommodations until accessibility deficiencies have been addressed.
 - e. Be shared with agency leadership, digital accessibility experts, ADA coordinators, and any other subject matter experts needed to support use or replacement of the non-compliant ICT solution.
 - f. Ensure any defects that prevent task completion are fixed prior to deployment whenever possible, or as quickly as is practicable for ICT solutions already in use.
9. The ODHS and OHA Communications teams shall collaborate with OIS and agency equity offices to ensure the agencies' websites include a page that provides:
 - a. The accessibility standards used by the agencies.
 - b. A description of known accessibility issues within the websites.
 - c. Guidance on how people with disabilities can work around the known accessibility issues in the agencies' websites, as well as contact information to request an accommodation.
10. ODHS and OHA staff, including business and procurement staff, ICT solution project leadership, and accessibility staff, shall ensure the accessibility standards of WCAG 2.2 level A and AA and ATAG 2.0, as applicable, are integrated into all phases of ICT projects and purchasing of hardware, software, and systems.
 - a. Accessibility requirements shall be included in ICT solution project specifications and decision-making processes for design, development, and procurement.
 - b. Accessibility evaluation shall be included in all ICT solution procurement or development projects and shall be used in making procurement and deployment decisions.
 - c. Accessibility evaluation includes manual accessibility testing, including by native users of assistive technology whenever possible, throughout the product lifecycle.
 - d. Accessibility requirements shall be considered in deployment planning, including determining whether product deficiencies require remediation prior to or as part of deployment.
11. IT project leadership shall ensure that accessibility requirements are included when procuring ICT solutions. These procurements shall include at least one of the following items as applicable to the procurement type based on the ICT solution being purchased:
 - a. For COTS procurements, a completed Voluntary Product Accessibility Template (VPAT) or Accessibility Conformance Report (ACR) prior to contract execution that explains how the vendor's ICT solution meets WCAG 2.2 Level A and AA.

- b. Examples of the vendor's current work that meet WCAG 2.2 Level A and AA.
 - c. Contact information for the vendor's Americans with Disabilities Act (ADA) accessibility manager and language access manager.
 - d. Responses to an agency questionnaire about organizational accessibility practices.
 - e. Other documents or forms requested by the agency to provide credible evidence of the vendor's capacity or ability to produce accessible products or services. Such evidence may include, but is not limited to, a vendor's internal accessibility documents, contractual warranties for accessibility, accessibility testing documents, and examples of prior work results.
12. When a contract for an ICT solution is executed, accessibility shall be built into every phase of the ICT solution project, including vendor testing by people who regularly use assistive technology. The vendor shall provide accurate and complete written reports of all testing.
13. When ICT solutions are expected to be used across the enterprise or with the public, ODHS and OHA shall conduct its own accessibility testing of the ICT solutions.
14. ODHS and OHA shall make every effort to comply with Section 508 of the Rehabilitation Act (Section 508) and WCAG 2.2 levels A and AA. If it is determined that an exception from the standards is required, then ODHS and OHA shall create a record related to the exception.
- a. Record documentation shall include the known limitations of the ICT solution, information about the efforts undertaken to remediate, the extent of the exception, including its duration, the applicable justification, and the signature of the agency director (division level or higher) who approved the exception.
 - b. Permissible justifications for exception include:
 - i. The function, operation, or use of an ICT solution related to ODHS and OHA information privacy and security activities.
 - ii. Undue burden or fundamental alteration as defined by the Americans with Disabilities Act.
 - iii. Exceptions made where the ICT solution best meets the needs of the agency and similar solutions are significantly deficient.
 - iv. The technology is only used by a contractor in developing or deploying a system and is not intended to be used by the agency, staff, or consumers.
 - c. Exceptions shall be approved by a high-level official not lower than a division director.
 - d. Accessibility compliance documentation shall be maintained by OIS following clearly defined processes.
 - e. Unless the information related to the known limitations of the ICT solution affects agency security, a summary of the record documentation shall be posted on the agency webpages maintained by the communications teams.
15. Exceptions and the need for any software that has an exception shall be reviewed at minimum every three years.

References

[521 CMR](#)

[Section 508 of the Rehabilitation Act](#)

[Chapter 3 of Section 508](#)

[ORS 276 Public Facilities, Contracting and Insurance](#)

[ORS 276A Information Technology](#)

[Authoring Tool Accessibility Guidelines 2.0 \(ATAG2\)](#)

[Guidance on Accessibility for E-Government Program Services](#)

[Information and Communication Technology \(ICT\) Standards and Guidelines, Chapter 4: Hardware](#)

[ISO 14289-1:2014 Document management applications -- Electronic document file format enhancement for accessibility -- Part 1: Use of ISO 32000-1 \(PDF/UA-1\)](#)

[Oregon Plain Language Statute](#)

[Web Accessibility Initiative](#)

[Web Content Accessibility Guidelines \(WCAG\) 2.2](#)

Forms

Related policies

ODHSOHA 010-029 Digital Accessibility in Content Creation and Sharing

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