

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION

Complaint of Discrimination Under Section 504, Section 508 or Title VI OMB Number 1405-0220 DS-4282

A. JUSTIFICATION

1. Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. §794d) requires each federal department or agency to ensure that its electronic and information technology allows:

- (1) individuals with disabilities who are federal employees to have access to and the use of information and data that is comparable to the access to and use of data by federal employees who are not individuals with disabilities; and

- (2) individuals with disabilities who are members of the public seeking information or services from a federal department or agency to have access to and use of information and data that is comparable to the access to and use of the information and data by such members of the public who are not individuals with disabilities.

The obligation of the Department of State (the Department) extends to developing, procuring, maintaining, or using electronic and information technology. This information collection covers a new form that the public and employees will use to bring accessibility issues to the attention of Department officials.

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794) provides that no “qualified individual” with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under any program or activity that either receives Federal financial assistance or is conducted by any Executive agency or the United States Postal Service. Section 504 would require the Department to provide reasonable accommodation to disabled individuals in the United States who want to use our services.

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

2. The information collected will be routed to the Department's Bureau of Information Resource Management, the Office of Civil Rights, and the Office of the Legal Adviser, for investigation and appropriate disposition.
3. The form will be available on the Department's public website as a fillable form. It will also be available as a PDF download, so that it can be filled in and faxed to the Department. The form may also be mailed. Electronic submission capabilities will be explored prior to the next submission to OMB.
4. This information collection documents does not duplicate information available elsewhere.
5. This information collection does not impact small businesses or other entities.
6. If this collection is not approved and implemented, there will be no standardized way for members of the public to bring complaints of discrimination under Sections 504 and 508, and Title VI, to the attention of Department officials.
7. An individual's complaint will be required to be submitted within 180 days from the date he or she became aware of the alleged discrimination (the accessibility issue), unless the Department has granted a written extension. If it is submitted late, the Department is not required to consider it. The Department does not expect that any individual respondent would submit a response more often than quarterly, unless he or she wishes to raise separate accessibility issues during that quarter. Submitting the approved form before the deadline, either through the web interface or by fax, will constitute a complaint. This information collection does not require the respondent to do anything other than submit the form.
8. A 60-day notice of this information collection requesting public comment was published in the *Federal Register* with the corresponding notice of proposed rulemaking on January 4, 2016. See 81 FR 44. The Department received one comment in response, which expressed the following view:

I believe it is critical that the Department continue to collect the stated data in order to maintain proper performance for the Departments functions. Without proper empirical data it would be hard, if not impossible to determine the current and ongoing needs of interested persons with relevant disabilities.

9. The Department will not provide gifts to respondents in connection with this information collection.
10. The Department makes no assurance of confidentiality.
11. This information collection does not ask questions of a sensitive nature.
12. The Department has not received any valid complaints of discrimination under Sections 504 or 508 of the Rehabilitation Act, or Title VI of the Civil Rights Act. (The Department has received a few complaints at posts overseas that cited Section 504; however, Section 504 is only applicable by its terms “in the United States.”) However, we expect that number might change as the public becomes more aware of their rights under these statutes, especially Section 508. Therefore, for now, the Department provides an estimate of “10” for the number of respondents per year, with one response per individual. The frequency is on occasion, as an individual encounters what he or she believes are grounds to complain under these statutes. The Department provides an estimate of 1 hour per response, with an annual hour burden of 10 hours. This estimate is based on the fact that some individuals will be able to complete the form quickly, while others with certain disabilities might need longer. The Department believes that 1 hour is a valid estimate for an average respondent’s burden.

To estimate the cost to respondents for this form based on the hourly wage and weighted wage multiplier, the Department calculated the following:
 $\$22.60$ (mean hourly earnings based on estimated income per hour from the Bureau of Labor Statistics) \times 1.4 (weighted wage multiplier) = $\$31.64$ (weighted wage).

10 (annual hours) \times $\$31.64$ (weighted wage) = $\$316.40$ (hour burden cost)

13. The total annual cost burden to all respondents resulting from this information collection is estimated to be minimal. There are no capital or start-up costs associated with the information collection. The Department does not charge a

fee. The capability for members of the public to submit the form “end-to-end” online does not yet exist. However, they will be able to fill in the form online, print it off, and either fax it, or scan and e-mail it, to the Department. Regular mail will be an option, although it is often delayed (and sometimes damaged) by security screening processes; therefore, fax or e-mail will be encouraged. The cost to respondents, if any, should be less than \$1.00. Therefore the total estimated cost burden is $10 \times \$1.00 = \10.00 .

14. Costs to the federal government from this information collection are anticipated to be as follows:

- a. Printing: Number of respondents times the approximate cost per form (each form is 6 pages long)

$$10 \times 6 \times \$0.10 \text{ per page} = \$6.00$$

- b. Collection and processing cost is calculated by the number of respondents multiplied by the time for collection and processing times the average hourly rate for clerical and professional time (e.g., the average hourly rate is based on the 2014 GS salary table average of GS6, Step 1; GS7, Step 2; GS8, Step3; ... to GS15, Step 10). Especially when a Section 508 complaint is submitted, the form will be routed through at least three offices, and it is not possible at this time to pinpoint the GS level of the individuals who will process this form (assuming they are even government employees, and not contractors).

The number of respondents = 10.

The anticipated average time for collection and processing (including investigation) = 5 hours.

Average hourly wage: \$31.92.

$$\text{Collection and processing cost} = 10 \times 5 \times \$31.92 = \$1596.00$$

$$\text{Total estimated cost to the federal government: } \$1596 + \$6 = \$1602.00$$

15. This is a new information collection.
16. The Department will not publish the information gathered by this collection.
17. The Department intends to display the expiration date on this form.

18. The Department does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods

This collection does not employ statistical methods.