



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:

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National Park Service Equal Opportunity Technical Guidance Series No. 2008-001

To: Director
Deputy Directors
Associate/Assistant Directors
Regional Directors
USPP Chief
Regional EEO Managers
Regional Accessibility Coordinators
Superintendents

Subject: Complaints filed under Section 504 of the Rehabilitation Act of 1973, as Amended

The purpose of this directive is to communicate to you the Section 504 requirements and process for complaints of discrimination filed by visitors to our sites. Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination based on disability in federally conducted programs of the Department of the Interior (DOI). Section 504 provides for access to all programs, structural and non-structural. Non-structural programs relate to the provision of policies, procedures, and effective communication for program participants and employees with disabilities.

Access must be provided to all existing programs, structural and non-structural, unless it can be determined that it would be a direct threat, would alter the fundamental nature of the program or be an undue burden (significant difficulty or expense based on the resources of the entity). If one of these exceptions is demonstrated, the Agency must provide an alternative, effective method of access.

Please direct any questions to Mary Denery at (202) 354-1868 of my staff.

Dianne A. Spriggs
Equal Employment Opportunity Program Manager

Attachments

1. Complaint Process
2. Section 504 Requirements for Self-Evaluation and Transition Plan
3. Complaint Flow Chart

Attachment 1

Complaint Process

The Section 504 process covers filing of complaint through complete resolution. The NPS EEO Program Office has established procedures as follows:

1. Incoming complaints are received directly from the complainant, Department of Justice, and the Department of Interior (DOI) Office of Civil Rights. The complainant has 180 days after the incident of alleged discrimination to file a complaint. Section 504 provides that the NPS attempt to achieve voluntary compliance.
2. Complaints received by units of the NPS must be forwarded to the EEO Program Office within 14 days. The NPS EEO Program Office will begin the complaint investigation process resulting in an investigation report produced by the NPS EEO Specialist.
3. The NPS EEO Specialist will establish a file that is a structured compilation and repository of all documents and information, within the agency's possession, pertaining to the case. The investigation report will contain jurisdiction information, identification of the basis and issues, identification of the applicable legal theories, conclusions gathered from the analysis of the data or other evidence already gathered, description of the documentary, testimonial and statistical evidence, anticipated sequences of the case activities (including onsite visits if needed), anticipated timeframes for obtaining and analyzing evidence, and approach to complaint resolution.
4. Within 5 days of receipt of a complaint, the EEO Program Office will provide an acknowledgement letter to the complainant.
5. Within 45 days of the date of the receipt of the complaint, the EEO Program staff will review the complaint, communicate with the Park by telephone and/or electronic mail, and follow up with a written memorandum from the EEO Program Manager to the appropriate Regional Director noting the allegations, relevant requirements, and requesting a self-evaluation and transition plan. (See Attachment 2 for information concerning the self-evaluation and transition plan.) The memorandum will also request that steps be taken for resolution if the allegations are true and violate Section 504. For each new complaint received, the original self-evaluation and transition plan must be reviewed based on the current allegations.
6. The Regional Director's status response and the self-evaluation and transition plan will be reviewed by the EEO Program staff within 60 days and a decision closing the complaint will be provided if no violation exists. If a violation exists, EEO Program staff will request further information and/or provide further clarification and technical assistance regarding Section 504 requirements.

7. The DOI regulations implementing Section 504 provides that within 180 days of receiving a complaint, EEO Program Staff will notify the complainant of the results of its investigation. After the 180 day period the EEO Program staff will continue to monitor, as necessary by phone, electronic mail, or written memorandum, steps taken by the unit to resolve any violations.
8. EEO Program staff, based on its review and interactive communications with Regional staff and complainants, will establish timelines for resolutions. These timelines may be different for the various types of construction and non-structural actions necessary to achieve compliance. The goal for complete resolution is one year from the unit's initial response to the EEO Program Office. It must be recognized that the resolution of some violations may be accomplished at little or no cost and time while others may require considerable cost over a much longer period of time. The EEO Program staff will work with all parties involved toward a resolution of violations in the shortest period of time possible. If the unit is still not in compliance, the case is then referred to the DOI Office of Civil Rights to conduct an on-site compliance review at the unit's expense. Any correspondence from the EEO Program Office to a unit or complainant will be copied to the complainant and respondent. A status report will be required from the unit on a monthly or quarterly basis, depending upon the number and nature of actions required.
9. Section 504 also provides that the complainant, if dissatisfied with the findings regarding the allegations and the complaint resolution, has the right to file an appeal with the Deputy Secretary of the Department of the Interior within 90 days of receiving results of the investigation. The Department of the Interior shall notify the complainant of the results of the appeal within 60 days.
10. It is appropriate to initiate settlement negotiations at any time during an investigation of a Section 504 complaint. The remedies to Section 504 violations should be tailored to cure the specific situation that gave rise to the alleged violation; i.e., to specifically address the issue (s) of the complaint.

Attachment 2

Section 504 Requirements for Self-Evaluation and Transition Plan

In accordance with Section 504 the Agency should conduct a self-evaluation of accessibility of its programs, policies, and practices to determine whether accessibility may be addressed through changes in the way such programs and services are provided. In the event that structural changes are necessary to meet the requirements of section 504, then a transition plan shall be developed setting forth the steps necessary to complete such changes. The transition plan should include the following:

- (1) Identify physical obstacles in the park that limit the accessibility of its programs or activity to individuals with disabilities.
- (2) Describe in detail the methods that will be used to make the program or facility readily accessible and usable.
- (3) Specify the schedule for taking the steps necessary to achieve full program accessibility and if the transition plan is longer than one year, identify steps that will be taken during each year of the transition plan period.
- (4) Identify the person responsible for implementation of the transition plan.

**U.S. Department of the Interior/ National Park Service
EEO Program Processing Flowchart
for Civil Rights Federally Conducted Cases
[Section 504 of Rehabilitation Act of 1973]**

