

## **ADMINISTRATIVE ORDER NUMBER 8-20**

### **SUBJECT: ACCESSIBLE INFORMATION AND COMMUNICATION TECHNOLOGY**

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**Responsible Department: Information Services**

**Date Issued: 11-6-2018**

**Date Revised:**

**Approved: *Signature on File***

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### **Purpose**

The purpose of this policy is to ensure that Information and Communication Technology (ICT) and digital services for use by the public are accessible and compliant with federal and state accessibility laws. This policy applies to all City departments and divisions who provide ICT and digital services to the public via the website or other digital means.

Title I of the Americans with Disabilities Act (ADA) prohibits employers from discriminating against qualified individuals with disabilities in all stages of employment, including job application procedures. The City must ensure that its employment opportunities, website, and job applications contained therein, conform to accessibility standards.

Title II of the ADA requires that the City of Fresno provide individuals with disabilities equal access to their programs, services, or activities. Equal access means providing the same information and functionality, delivered in the same time frame, with substantially equivalent ease of use.

### **Definitions**

ICT is information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any associated content. Examples of ICT include, but are not limited to: computers and peripheral equipment; information kiosks and transaction machines; telecommunications equipment; customer premises equipment; multifunction office machines; software; applications; websites; videos; and, electronic documents.

Web Content Accessibility Guidelines 2.0 standards (WCAG 2.0), or the most recent WCAG version, created by the World Wide Web Consortium (W3C) Web Accessibility Initiative (WAI), define how to make web content more accessible to people with disabilities. Testable success criteria are provided to allow WCAG 2.0 to be used where requirements and conformance testing are necessary; Level AA is the median level of conformance and the minimum acceptable level for accessibility. WCAG 2.0 is written to

be technology neutral and the success criteria and conformance requirements can be applied to all electronic content.

Section 508 of the Rehabilitation Act of 1973 (Section 508) requires federal agencies and entities receiving federal funds to meet specific accessibility standards for electronic information and technology; the City of Fresno is an entity that receives federal funds.

## **Policy**

ICT that is procured, developed, maintained or used by the City for delivery of services to the public must satisfy the accessibility requirements of the ADA, Section 508 and must conform to WCAG 2.0 Level AA Success Criteria (WCAG 2.0 AA), or the most recent WCAG version.

Regardless of format, ICT for use by members of the general public (public facing content) must conform to applicable accessibility and usability standards to allow persons with disabilities to access information that is comparable to information provided to persons without disabilities. ICT provided to the public must be usable with assistive technologies.

## **Procedures**

1. Contracted Services. When procuring or contracting for public facing content the contractor must provide deliverables that are accessible and usable with assistive technologies. The deliverables must conform to accessibility standards.
  - a. During the procurement process, potential contractors or vendors of ICT products are required to submit a Voluntary Product Accessibility Template (VPAT) 2.0, or the most recent VPAT version.
  - b. Utilizing the VPAT 2.0, or the most recent VPAT version, City of Fresno staff must determine the product/service that most conforms to accessibility standards and best meets the business need.
  - c. Prior to initiating a contract for ICT products/services, accessibility testing must be conducted (see below).
  - d. Prior to renewing a contract for ICT products/services with existing vendors, the vendor must submit a completed VPAT 2.0, or the most recent VPAT version, and timeline for remediation of existing barriers to access in their product.
2. Accessibility Testing. The City of Fresno will assess all proposed online services before they are made available to the public for conformance with, at minimum, WCAG 2.0 AA, by:

- a. Performing automated accessibility tests, using an automated tool to identify any accessibility barriers; and
  - b. Enlisting individuals with different disabilities, including at a minimum individuals who are blind, deaf, and have physical disabilities (such as those limiting the ability to use a mouse), to test for ease of use and accessibility barriers. The City of Fresno Disability Advisory Commission (DAC) can be utilized as a resource for testing the accessibility of ICT and digital information during the decision-making processes and annually after implementation.
3. Training. Individuals responsible for maintaining and updating ICT, including the website, shall have a working knowledge of accessibility requirements. To that end, identified staff is required to annually participate in a minimum of two hours continuing education and training related to accessible ICT.
4. PDF Accessibility. Documents containing text posted on the City of Fresno website will, to the greatest extent possible, be accessible PDFs or in another alternate accessible format. Consultants providing plans and other documents for public use must provide accessible formats. See Administrative Order 8-16 for additional procedural information.
5. Accessible Videos and Multimedia Content. New videos and multimedia content that are produced by the City will have captioning and audio descriptions. When distributing videos and multimedia content from outside sources, every effort should be made to ensure that accessible content is used.
6. Social Media. Information posted to social media sites must be done in a manner that allows members of the public with disabilities to access information that is comparable to information provided to persons without disabilities. Images posted to social media sites will have alternative text or be accompanied by descriptions that convey the content of the image. When posting videos every effort should be made to ensure that the videos have captioning and/or audio descriptions. (See Administrative Order 8-19, Social Media Policy).
7. Alternative Means. Where ICT that fully conforms to the applicable standards is not commercially available, the City shall provide individuals with disabilities access to and use of services by an alternative means that meets the identified needs. The alternative means must provide substantially equivalent level of access and ease of use.
8. Exceptions. When ICT conforming to the applicable standards is not commercially available, it may be necessary for the City of Fresno to acquire and utilize ICT that in its current state hinders full access and/or equivalent ease of use for persons with disabilities. The City of Fresno has an obligation to procure the product that best meets the standards and is consistent with the business

need for the ICT. The City is not required to procure ICT that is not needed to perform the intended task.

In such instances, the department(s) wishing to utilize the non-conforming ICT shall request in writing to the City Manager and the City Attorney for approval of an exception. The exception request shall be accompanied by a temporary accommodation plan that outlines how the department(s) will provide alternative means until the ICT can be made accessible. The accommodation plan should be established in consultation with the ADA Coordinator.

The request for exception must include:

- rationale for the exception request, including a discussion of why no accessible alternative could meet business need
- documentation of accessibility issues with the product or service
- a temporary accommodation plan

The temporary accommodation plan must:

- Provide an equivalent level of access and ease of use for individuals with disabilities
- List the parties responsible for implementation and oversight
- Outline how the existence of the accommodation will be communicated to users
- Include a timeline for remediation of current barriers with the product or service (such as accessibility improvements/upgrades/patches)
- Indicate what is being done to ensure that the product or service will become accessible (interactions with vendor/developers, detailed feedback from the public, etc.), including provision to nullify the contract with the vendor or replace the system if remediation timeline is not satisfied.