Justification for Non-Substantive Changes for the SSA-9000
Request for Accommodation in Communication Method
45 CFR 85.51
OMB No. 0960-0777

Background

In *American Council of the Blind, et al v. Michael Astrue and Social Security Administration*, the U.S. District Court for the Northern District of California ordered the Social Security Administration (SSA) to give blind or visually impaired Social Security applicants, beneficiaries, recipients, and representative payees the opportunity to elect one of five alternative formats to receive notices about program benefits. SSA expanded the options and now offers seven alternative notice options. SSA developed Form SSA-9000, Request for Accommodation, to gather information from blind or visually impaired individuals about why they require a particular accommodation, other than the accommodations already offered, to have effective communication with SSA. OMB approved the information collection renewal request for Form 0960-0777 on November 6, 2013.

OMB approved a Non-Substantive Change Request on June 13, 2014 that expanded SSA's scope for this information collection to include individuals who request an accommodation based on any type of disability, not just blind and visually impaired, preventing them from having meaningful access to SSA programs.

Section 504 of the Rehabilitation Act of 1973 (Section 504) states that no otherwise qualified disabled individual shall, solely because of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity conducted by any Executive agency. 29 U.S.C. § 794 (2010).

Section 508 of the Rehabilitation Act (29 U.S.C. § 794d), as amended by the Workforce Investment Act of 1998 (P.L. 105-220), August 7, 1998, provides in part, that when developing, procuring, maintaining, or using electronic and information technology, each Federal department or agency, shall ensure, unless an undue burden would be imposed on the department or agency, that the electronic and information technology allows, regardless of the type of medium of the technology individuals with disabilities 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.

Section 508 provides that when a federal agency receives a complaint under Section 508 it shall apply the procedures established to implement Section 504 for resolving allegations of discrimination in a federally conducted program or activity.

Under Section 504 of the Rehabilitation Act of 1973, individuals with disabilities have the right to request an accommodation of their choice. Section 504 requires SSA to take appropriate steps to ensure effective communication and meaningful access for these individuals, and to furnish

appropriate auxiliary aids or services where necessary to afford individuals with disabilities equal opportunities to participate in and enjoy the benefits of a program or activity conducted by the agency. An individual with a disability can request an accommodation to communicate effectively with the agency or to gain meaningful access to the agency. Similarly, Section 508 requires a federal agency to ensure that agency electronic and information technology (EIT) allows individuals with disabilities 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.

Revisions to the Information Collection

As described earlier, SSA developed the Form SSA-9000 process for blind and visually impaired Social Security applicants, beneficiaries, recipients, and representative payees. SSA uses Form SSA-9000 to determine, based on applicable law and regulation, whether to grant an individual's request for an accommodation based on their blindness or other visual impairment. SSA collects this information electronically through either an in-person interview or a telephone interview during which the SSA employee keys in the information on Intranet screens. The respondents are Social Security applicants, beneficiaries, recipients, and representative payees who are blind or visually impaired and who ask SSA to send notices and other communications in one of our seven alternate formats, or by another specialized method.

We then expanded the scope of this collection to implement the iAccommodate automated application to track accommodation requests (including standard Special Notice Options), to capture and manage all requests for accommodation from SSA applicants, beneficiaries, recipients and representative payees with any disability, not just blind and visually impaired individuals. SSA employees continue using the SSA-9000 Intranet process to document when Social Security applicants, beneficiaries, recipients, and representative payees request an alternative method of receiving benefit notices or other related communications as a Special Notice Option.

SSA is submitting this Change Request to expand the scope of our Section 504 accommodation request collections to include requests for assistance in accessing SSA's EIT (informal complaint) or to file a formal complaint under Section 508. Under this new collection, SSA will request information necessary for the agency to investigate and respond to both informal and formal complaints under Section 508. SSA will collect this information directly from the requester via mail, email, or facsimile.

This enhanced collection will allow the agency to coordinate efforts across the agency, and provide one centralized agency contact, for handling accommodation requests under Section 504 and requests for assistance in accessing EIT under Section 508.

We intend to make the following changes to this information collection:

- **Change #1:** SSA is expanding the scope for this information collection to capture information to identify and address issues related to accessing agency EIT pursuant to Section 508.

Justification #1: Currently, this collection only records accommodation requests from SSA applicants, beneficiaries, recipients, representative payees based on Section 504 of the Rehabilitation Act of 1973. Allowing individuals with disabilities to request assistance with accessing agency EIT ensures SSA's compliance with Section 508 the Rehabilitation Act of 1973. The agency does not currently collect the information necessary to identify and resolve issues involving access to EIT. In this way, SSA will meet the requirement to provide meaningful access to our programs and activities, including EIT, for all qualified individuals with disabilities.

- **Change #2:** SSA is adding additional questions to collect and track all report of technology accessibility issue (informal complaint) and formal complaints concerning access to SSA EIT by an individual with a disability.

  Justification #2: Currently SSA uses the SSA-9000 process to determine, based on applicable law and regulation, whether to grant an individual's request for an accommodation based on their blindness or other visual impairment, and employees key in the information on SSA Intranet screens. In addition, employees also use the SSA-9000 process to track accommodation requests for any individual requesting an accommodation based on any other disability by using iAccommodate.

  The agency does not currently collect the information necessary to identify and resolve issues involving access to EIT. In order to assist an individual with Section 508 technology accessibility issues, that agency needs to gather information including the environment and specific technology, location where the issue is being experienced, and the effect of the issue on the individual's ability to access SSA's programs and services.

  SSA has developed the new Section 508 formal complaint process, based on our current Section 504 process. Currently, to file a complaint with SSA under Section 504, individuals must file a Program Discrimination Complaint Form, Form SSA-437. Under the new Section 508 formal complaint process, the Section 508 Form will serve as an addendum to the SSA-437, to ensure SSA collects the information necessary to investigate and respond to an allegation of a Section 508 violation. In addition, individuals can use the new Section 508 Form, without the Form SSA-437, to file informal Section 508 complaints with the agency. The Section 508 Form instructs individuals to skip the first two questions (collecting complainant contact information) when a formal complaint is filed, to avoid duplicative collection with the Form SSA-437.

  Incorporating the Section 508 Form into the existing SSA-9000 process will enhance the agency's ability to monitor disability accommodation requests received, monitor requests for access to and use of EIT, manage referrals and approvals, review for consistent administration of accommodations and access agency-wide, and provide enhanced management information data.
  Furthermore, this Change Request addresses government-wide recommendations made by the Department of Justice[1] to augment the agency's Section 504 complaint process, where

[1] "Section 508 Report to the President and Congress: Accessibility of Federal Electronic and Information Technology", Department of Justice, September 2012, http://www.ada.gov/508/508_Report.htm

appropriate, so as to include specific policies and procedures targeted to the processing of Section 508 complaints.

Description of the Form 508

The form will be available as follows

- Internet

  SSA.GOV Accessibility Help Section: http://www.ssa.gov/accessibility/

- Intranet

  Accessibility Resource Center: http://arc.ssahost.ba.ssa.gov/
  Accessibility & Accommodation Information Directory (AID):
  http://dsd.ssahost.ba.ssa.gov/default.html

SSA will make the form available as a fillable and accessible PDF form that individuals can fill out, save, print, and send to SSA via postal mail, facsimile, or email.

Burden Information:

We based our burden estimates on the number of historical requests received and our projection of Section 504 respondents who may report issues, or need assistance, in accessing EIT. SSA will increase the annual public reporting burden as indicated below.

Modality of Completion	**Number of Respondents**	**Frequency of Response**	**Average Burden Per Response (minutes)**	**Estimated Total Annual Burden (hours)**
SSA-9000 (paper form and screen shots)	1,417	1	20	472
iAccommodate Intranet Application	8,000	1	10	1,333
Form 508	25	1	15	6
Totals	**9,442**			**1,811**

Plans for Implementation

SSA plans to implement this change upon OMB's approval.

SSA will include the following Privacy Act and PRA Statements onto the 508 Form upon OMB's Approval:

Privacy Act Statement Collection and Use of Personal Information

Complainants (including individuals who informally report a technology accessibility issue) and individuals who cooperate in an investigation by the Social Security Administration (SSA) into an alleged violation of Section 508 of the Rehabilitation Act are afforded certain rights and protections. This brief description will provide you with an overview of these rights and protections.

SSA may collect information concerning formal and informal complaints of inaccessible electronic and information and technology pursuant to 5 U.S.C. § 301, 29 U.S.C. §§ 794(a), 794(d), 42 U.S.C. § 902(a)(5), 45 C.F.R. Part 85, 20 C.F.R. § 405.30, and Executive Orders 13160 and 13166. The responses you provide will be used to make a decision on how we will process your complaint. Your responses are voluntary; however, we may be unable to proceed with processing your complaint if you choose not to provide the requested information. You do not have to use this form. You may also write a letter that includes all of the requested information.

We rarely use the information you provide for any purpose other than for processing your complaint. We may, however, disclose the information in accordance with routine uses of the Privacy Act (5 U.S.C. § 552a(b)), which include, but are not limited to, the following:

1. To a congressional office on behalf of an individual in response to an inquiry made at the request of the individual who is the subject of the record;

2. To the Office of the President for the purpose of responding to an individual pursuant to an inquiry from that individual or from an third party on the individual;

3. To another Federal agency or to a court or third party in litigation when the Government is a party to a suit before the court;

4. To a Federal, State, or local agency for law enforcement purposes concerning a violation of law;

5. To the Department of Justice, the Equal Employment Opportunity Commission, or other Federal and State agencies when necessary for the administration or enforcement of civil rights laws or regulations.

Complaint records are exempted as investigatory material, compiled for law enforcement purposes, from certain Privacy Act access, amendment, correction, and notification requirements (5 U.S.C. § 552a(k)(2)). However, a complainant or any member of the public may request release of this information under the provisions of the Freedom of Information Act (5 U.S.C. § 552).

A complete list of routine uses for this information is contained in our System of Records Notice 60-0275, Civil Rights Complaints Filed by Members of the Public. Additional information regarding this form and our other system of records notices and Social Security programs are available from our Internet website at www.socialsecurity.gov or at your local Social Security office.

The Paperwork Reduction Act -This information collection meets the requirements of 44 U.S.C. §3507, as amended by section 2 of the Paperwork Reduction Act of 1995. You do not need to answer these questions unless we display a valid Office of Management and Budget control number. We estimate that it will take about 1 hour to read the instructions, gather the facts, and answer the questions. *You may send comments on our time estimate above to*: *SSA, 6401 Security Blvd, Baltimore, MD 21235-6401*. ***Send only comments relating to our time estimate to this address; do not send the complaint form to this address.***