

Title VI

2018 – 2020 Implementation Plan

Title VI of the Civil Rights Act of 1964

Allegany County Human Resources Development Commission, Inc.



**Adopted by HRDC's Board of Directors
09/19/2017**

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I. INTRODUCTION

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI 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." (42 U.S.C. Section 2000d).

The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of Federal-aid recipients, sub-recipients, and contractors whether those programs and activities are federally funded or not.

Recently, the Federal Transit Administration (FTA) has placed renewed emphasis on Title VI issues, including providing meaningful access to persons with Limited English Proficiency.

Recipients of public transportation funding from FTA and the Maryland Transit Administration (MTA) are required to develop policies, programs, and practices that ensure that federal and state transit dollars are used in a manner that is nondiscriminatory as required under Title VI.

This document details how **Allegany County Human Resources Development Commission, Inc., (HRDC) a private non-profit organization**, incorporates nondiscrimination policies and practices in providing transportation services to its clients.

II. OVERVIEW OF SERVICES

The Allegany County Human Resources Development Commission, Inc. (HRDC), is a nonprofit 501c3 Community Action Agency and Area Agency on Aging. HRDC's mission is *to eliminate social and economic barriers to promote individual and community stability through services, advocacy and collaboration.*

Since 1965, HRDC has provided diverse, individualized resources and tools to address the difficulties that impede low-income families and the elderly of Allegany County from finding the pathway towards self-sufficiency. HRDC programs and services range from affordable housing, housing for the frail elderly, meals and activity centers for seniors, day care programs for disabled adults, assistance with heating and electric costs, weatherization services, pre-school and childcare programs, asset building programs and special services for county long term care residents and incapacitated adults.

III. POLICY STATEMENT AND AUTHORITIES

Title VI Policy Statement

The Allegany County Human Resources Development Commission, Inc. (HRDC) is committed to ensuring that no person shall, on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, whether those programs and activities are federally funded or not.

The Allegany County Human Resources Development Commission, Inc. (HRDC) Title VI Manager/Executive Director is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

Signature of Authorizing Official

Date

Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 49 CFR Part 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub recipients, and contractors, whether such programs and activities are federally assisted or not.

Additional authorities and citations include: Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d); Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.); Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.); Department of Justice regulation, 28 CFR part 42, Subpart F, “Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs” (December 1, 1976, unless otherwise noted); U.S. DOT regulation, 49 CFR part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964” (June 18, 1970, unless otherwise noted); Joint FTA/Federal Highway Administration (FHWA) regulation, 23 CFR part 771, “Environmental Impact and Related Procedures” (August 28, 1987); Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, “Planning Assistance and Standards,” (October 28, 1993, unless otherwise noted);

U.S. DOT Order 5610.2, “U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations,” (April 15, 1997); U.S. DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons,

(December 14, 2005), and Section 12 of FTA’s Master Agreement, FTA MA 13 (October 1, 2006).

IV. NONDISCRIMINATION ASSURANCES TO MTA

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from the Federal Transit Administration (FTA) must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT’s Title VI regulations. This requirement is fulfilled when the Maryland Transit Administration (MTA) submits its annual certifications and assurances to FTA. The MTA shall collect Title VI assurances from sub-recipients prior to passing through FTA funds.

As part of the Certifications and Assurances submitted to MTA at the time of grant application and award, **The Allegany County Human Resources Development Commission, Inc. (HRDC)** submits a Nondiscrimination Assurance which addresses compliance with Title VI as well as nondiscrimination in hiring (EEO) and contracting (DBE), and nondiscrimination on the basis of disability (ADA).

In signing and submitting the assurance, **The Allegany County Human Resources Development Commission, Inc. (HRDC)** confirms to MTA our commitment to nondiscrimination and compliance with federal and state requirements.

V. PLAN APPROVAL DOCUMENT

I hereby acknowledge the receipt of the Allegany County Human Resources Development Commission, Inc. (HRDC) Title VI Implementation Plan 2018-2020. I have reviewed and approve the Plan. I am committed to ensuring that no person is excluded from participation in, or denied the benefits of The Allegany County Human Resources Development Commission, Inc. (HRDC) transportation services on the basis of race, color, or national origin, as protected by Title VI according to C 4702.1B Title VI requirements and guidelines for Federal Transit Administration sub-recipients.

Signature of Authorizing Official

DATE

Gil Frankenberry, Board Chair
The Allegany County Human Resources Development Commission, Inc. (HRDC)

VI. ORGANIZATION AND TITLE VI PROGRAM RESPONSIBILITIES

Under the authority of **The Allegany County Human Resources Development Commission, Inc. (HRDC)**, the Executive Director will serve as the Title VI Manager/Executive Director and is responsible for ensuring implementation of the agency's Title VI program. The specific areas of responsibility are described below.

Overall Organization for Title VI

The Title VI Manager/Executive Director and staff are responsible for coordinating the overall administration of the Title VI program, plan, and assurances, including complaint handling, data collection and reporting, annual review and updates, and internal education.

Title VI Manager/Executive Director Responsibilities

The Title VI Manager/Executive Director is charged with the responsibility for implementing, monitoring, and ensuring compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received.
2. Collect statistical data (race, color or national origin) of participants in and beneficiaries of agency programs, (e.g., affected citizens, and impacted communities).
3. Conduct annual Title VI reviews of agency to determine the effectiveness of program activities at all levels.
4. Conduct Title VI reviews of construction contractors, consultant contractors, suppliers, and other recipients of federal-aid fund contracts administered through the agency.
5. Conduct training programs on Title VI and other related statutes for agency employees.
6. Prepare a yearly report of Title VI accomplishments and goals, as required.
7. Develop Title VI information for dissemination to the public client group(s) served and, where appropriate, in languages other than English.
8. Identify and eliminate discrimination.
9. Establish procedures for promptly resolving deficiency status and writing the remedial action necessary, all within a period not to exceed 90 days.

General Title VI Responsibilities of the Agency

The Title VI Manager/Executive Director is responsible for substantiating that these elements of the plan are appropriately implemented and maintained, and for coordinating with those responsible for public outreach and involvement and service planning and delivery.

1. Data Collection

To ensure that Title VI reporting requirements are met, **The Allegany County Human Resources Development Commission, Inc. (HRDC)** will maintain:

- A database or log of Title VI complaints received. The investigation of and response to each complaint is tracked within the database or log.
- A log of the public outreach and involvement activities undertaken to ensure that minority and low-income people had a meaningful access to these activities.

2. Annual Report and Updates

As a sub-recipient of FTA funds, **The Allegany County Human Resources Development Commission, Inc. (HRDC)** is required to submit a Quarterly Report Form to the MTA that documents any Title VI complaints received during the preceding quarter and for each year. **The Allegany County Human Resources Development Commission, Inc. (HRDC)** will also maintain and provide to the MTA an annual basis, the log of public outreach and involvement activities undertaken to ensure that client minority and low-income people have had meaningful access to these activities.

Further, we will submit to MTA updates to any of the following items since the previous submission, or a statement to the effect that these items have not been changed since the previous submission, indicating date:

- A copy of any compliance review report for reviews conducted in the last three years, along with the purpose or reason for the review, the name of the organization that performed the review, a summary of findings and recommendations, and a report on the status or disposition of the findings and recommendations
- Public Participation Plan (PPP)
- Language Assistance Plan (LAP)
- Procedures for tracking and investigating Title VI complaints
- A list of Title VI investigations, complaints or lawsuits filed with the agency since the last submission
- A copy of the agency notice to the public that it complies with Title VI and instructions on how to file a discrimination complaint
- Minority representation on Committees by race

3. Annual Review of Title VI Program

Each year, in preparing for the Annual Report and Updates, the Title VI Manager/Executive Director will review the agency's Title VI program to assure implementation of the Title VI plan. In addition, they will review agency operational guidelines and publications, including those for contractors, to verify that Title VI language and provisions are incorporated, as appropriate.

4. Dissemination of Information Related to the Title VI Program

Information on our Title VI program will be disseminated to agency employees, contractors, and beneficiaries, as well as to program beneficiaries, as described in the “Public Outreach and Involvement” section of this document, and in other languages when needed according to the LAP plan as well as Federal and State laws/regulations.

5. Resolution of Complaints

Any individual may exercise his or her right to file a complaint if that person believes that he, she or any other program beneficiaries have been subjected to prohibited non-discrimination requirements or to unequal treatment or discrimination in the receipt of benefits/services. **The Allegany County Human Resources Development Commission, Inc. (HRDC)** will report the complaint to MTA within three business days (per MTA requirements), and make a concerted effort to resolve complaints locally, using the agency’s Title VI Complaint Procedures. All Title VI complaints and their resolution will be logged as described under Element 1, Data Collection, and reported annually (in addition to immediately) to MTA.

6. Written Policies and Procedures

Our Title VI policies and procedures are documented in this plan and its appendices and attachments. This plan will be updated periodically to incorporate changes and additional responsibilities that arise. During the course of the Annual Title VI Program Review (Element 3 above), the Title VI Manager/Executive Director will determine whether or not an update is needed.

7. Internal Education

Our employees will receive training on Title VI policies and procedures upon hiring and upon promotion. This training will include requirements of Title VI, our obligations under Title VI (LEP requirements included), required data that must be gathered and maintained. In addition, training will be provided when any Title VI-related policies or procedures change (agency-wide training), or when appropriate in resolving a complaint.

Title VI training is the responsibility of the Executive Director.

8. Title VI Clauses in Contracts

In all Federal procurements requiring a written contract or Purchase Order (PO), **The Allegany County Human Resources Development Commission, Inc.**’s contract/PO will include appropriate non-discrimination clauses. The Title VI Manager/Executive Director will work with the Executive Director who is/are responsible for procurement contracts and PO’s to ensure appropriate Federal non-discrimination clauses are included.

VII. GENERAL REPORTING REQUIREMENTS

REQUIREMENT TO PROVIDE A TITLE VI PUBLIC NOTICE

Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum **The Allegany County Human Resources Development Commission, Inc. (HRDC)** shall disseminate this information to the public by posting a Title VI notice on the agency's website, in public areas of the agency's office(s), including the reception desk, meeting rooms, in all Federally-funded vehicles, etc.

See APPENDIX A –Title VI Notice to the Public; List of Locations

TITLE VI COMPLAINT PROCEDURES

REQUIREMENT TO DEVELOP TITLE VI COMPLAINT PROCEDURES AND COMPLAINT FORM.

In order to comply with the reporting requirements established in 49CFR Section 21.9(b), **The Allegany County Human Resources Development Commission, Inc. (HRDC)** shall develop procedures for investigating and tracking Title VI complaints filed against us and will make this procedures for filing a complaint available to members of the public. **The Allegany County Human Resources Development Commission, Inc. (HRDC)** has also developed a Title VI complaint form. The form and procedure for filing a complaint are available on the **Allegany County Human Resources Development Commission, Inc. (HRDC)** website and at their facilities.

Any individual may exercise his or her right to file a complaint with **The Allegany County Human Resources Development Commission, Inc. (HRDC)** if that person believes that he or she have been subjected to unequal treatment or discrimination in the receipt of benefits or services. We will report the complaint to MTA within three business days (per MTA requirements), and make a concerted effort to resolve complaints locally, using the agency's Nondiscrimination Complaint Procedures. All Title VI complaints and their resolution will be logged and reported annually (in addition to immediately) to MTA.

A person may also file a complaint directly with the Federal Transit Administration, Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th floor – TCR, 1200 New Jersey Avenue SE, Washington, DC 20590.

The Allegany County Human Resources Development Commission, Inc. (HRDC) includes the following language on all printed information materials, on the agency's website, in press releases, in public notices, in published documents, and on posters on the interior of each vehicle operated in passenger service:

*The Allegany County Human Resources Development Commission, Inc. (HRDC) is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transportation services on the basis of race, color or national origin, as protected by Title VI in the Federal Transit Administration (FTA) Circular 4702.1B. For additional information on The Allegany County Human Resources Development Commission, Inc.'s nondiscrimination policies and procedures, or to file a complaint, please visit the website at www.alleganyhrdc.org or contact **Courtney A. Thomas, HRDC Executive Director, 125 Virginia Avenue, Cumberland, MD 21502.***

Instructions for filing Title VI complaints are posted on the agency's website and in posters on the interior of each vehicle operated in passenger service and agency's facilities, and are also included within **The Allegany County Human Resources Development Commission, Inc. (HRDC)** Adult Medical Day Services Program and Senior Center brochures.

See APPENDIX B - Title VI - Complaint Form

Procedures for Handling and Reporting Investigations/Complaints and Lawsuits

Instructions for filing Title VI complaints are posted on the agency's website and provided below. Should any Title VI investigations be initiated by FTA or MTA, or should any Title VI lawsuits be filed against **Allegany County Human Resources Development Commission, Inc. (HRDC)** the agency will follow these procedures:

Procedures

1. Any individual, group of individuals or entity that believes they have been subjected to discrimination on the basis of race, color, or national origin may file a written complaint with the Title VI Manager/Executive Director.

The complaint is to be filed in the following manner:

- a. A formal complaint must be filed within 180 calendar days of the alleged occurrence.
 - b. The complaint should include:
 - complainant's name, address, and contact information (i.e., telephone number, email address, etc.)
 - date(s) of the alleged act of discrimination (if multiple days, include the date when the complainant(s) became aware of the alleged discrimination and the date on which the alleged discrimination was discontinued or the latest instance)
 - description of the alleged act of discrimination
 - location(s) of the alleged act of discrimination (include vehicle number if appropriate)
 - explanation of why the complainant believes the act to have been discriminatory on the basis of race, color, or national origin
 - if known, the names and/or job titles of those individuals perceived as parties in the incident
 - contact information for any witnesses
 - indication of any related complaint activity (i.e., was the complaint also submitted to MTA or FTA?)
 - c. The complaint shall be submitted to the Title VI Manager/Executive Director at **125 Virginia Avenue, Cumberland, MD 21502 and/or cthomas@alleganyhrdc.org**.
 - d. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Title VI Manager/Executive Director.
2. Upon receipt of the complaint, the Title VI Manager/Executive Director will immediately:
 - a. notify MTA (no later than 3 business days from receipt)
 - b. notify **Allegany County Human Resources Development Commission, Inc. (HRDC)**
Courtney A. Thomas, Executive Director, Authorizing Official
 - c. ensure that the complaint is entered in the complaint database.

3. Within 3 business days of receipt of the complaint, the Title VI Manager/Executive Director will contact the complainant by telephone to set up an interview.
4. The complainant will be informed that they have a right to have a witness or representative present during the interview and can submit any documentation he/she perceives as relevant to proving his/her complaint.
5. If MTA has assigned staff to assist with the investigation, the Title VI Manager/Executive Director will offer an opportunity to participate in the interview.
6. The alleged discriminatory service or program official will be given the opportunity to respond to all aspects of the complainant's allegations.
7. The Title VI Manager/Executive Director will determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned.
8. The investigation may also include:
 - a. investigating contractor operating records, policies or procedures
 - b. reviewing routes, schedules, and fare policies
 - c. reviewing operating policies and procedures
 - d. reviewing scheduling and dispatch records
 - e. observing behavior of the individual whose actions were cited in the complaint.
9. All steps taken and findings in the investigation will be documented in writing and included in the complaint file.
10. The Title VI Manager/Executive Director will contact the complainant at the conclusion of the investigation (but prior to writing the final report) and give the complainant an opportunity to give a rebuttal statement at the end of the investigation process.
11. At the conclusion of the investigation and **within 60 days** of the interview with the complainant, the Title VI Manager/Executive Director will prepare a report that includes a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. This report will be provided to the Authorizing Official, the MTA, and if appropriate our legal counsel.
12. The Title VI Manager/Executive Director will send a letter to the complainant notifying them of the outcome of the investigation. If the complaint was substantiated, the letter will indicate the course of action that will be followed to correct the situation. If the complaint is determined to be unfounded, the letter will explain the reasoning, and refer the complainant to MTA in the event the complainant wishes to appeal the determination. This letter will be copied to MTA.
13. A complaint may be dismissed for the following reasons:
 - a. the complainant requests the withdrawal of the complaint
 - b. an interview cannot be scheduled with the complainant after reasonable attempts
 - c. The complainant fails to respond to repeated requests for additional information needed to process the complaint

TRANSPORTATION-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS

Background

The **Allegany County Human Resources Development Commission, Inc. (HRDC)** shall prepare and maintain a list/log of any of the following that allege discrimination on the basis of race, color, or national origin:

- Active investigations conducted by FTA and entities other than FTA;
- Lawsuits; and
- Complaints naming the recipient.

This list/log shall include the date that the transportation-related Title VI investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to the investigation, lawsuit, or complaint. This list/log shall be included in the Title VI Program submitted to MTA every three years and information shall be provided to MTA quarterly and annually.

See **APPENDIX C - List of Investigations, Lawsuits and Complaints**

PUBLIC OUTREACH AND INVOLVEMENT - Public Participation Plan

Introduction

The Public Participation Plan (PPP) is a guide for ongoing public participation endeavors. Its purpose is to ensure that **Allegany County Human Resources Development Commission, Inc. (HRDC)** utilizes effective means of providing information and receiving public input on transportation decisions from low income, minority and limited English proficient (LEP) populations, as required by Title VI of the Civil Rights Act of 1964 and its implementing regulations.

Under Federal regulations, 5310 service providers must take reasonable steps to ensure that Limited English Proficient (LEP) persons have meaningful access to their programs and activities. This means that public participation opportunities, normally provided in English, should be accessible to persons who have a limited ability to speak, read, write, or understand English.

In addition to language access measures, other major components of the PPP include: public participation design factors; a range of public participation methods to provide information, to invite participation and/or to seek input; examples to demonstrate how population-appropriate outreach methods can be and were identified and utilized; and performance measures and objectives to ensure accountability and a means for improving over time.

Allegany County Human Resources Development Commission, Inc. (HRDC) established a public participation plan or process that will determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate.

Allegany County Human Resources Development Commission, Inc. (HRDC) will make these determinations based on a demographic analysis of the population(s) affected, the type of plan, program, and/or service under consideration, and the resources available. Efforts to involve minority and LEP populations in public participation activities may include both comprehensive measures, such as placing public notices at all transit stations, stops, and vehicles, as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and LEP persons from effectively participating in our decision-making process.

See APPENDIX D- Summary of Outreach Efforts

ACCESS FOR LIMITED ENGLISH PROFICIENT (LEP) PERSONS

LANGUAGE ASSISTANCE PLAN (LAP)

Introduction and Legal Basis

LEP is a term that defines any individual not proficient in the use of the English language. The establishment and operation of an LEP program meets objectives set forth in Title VI of the Civil Rights Act and Executive Order 13116, Improving Access to Services for Persons with Limited English Proficiency (LEP). This Executive Order requires federal agencies receiving financial assistance to address the needs of non-English speaking persons. The Executive Order also establishes compliance standards to ensure that the programs and activities that are provided by a transportation provider in English are accessible to LEP communities.

As required, **Allegany County Human Resources Development Commission, Inc. (HRDC)** developed a written LAP Plan (below) to address the needs of the LEP population(s) it serves. Using 2010 and American Community Survey (ACS) Census data, **Allegany County Human Resources Development Commission, Inc. (HRDC)** has evaluated data to determine the extent of need for translation services of its vital documents and materials.

LEP persons can be a significant market for public transit, and reaching out to these individuals can help increase their utilization of transit. Therefore, it also makes good business sense to translate vital information into languages that the larger LEP populations in the community can understand.

Assessment of Needs and Resources

The need and resources for LEP language assistance were determined through a four-factor analysis as recommended by FTA guidance.

Factor 1: Assessment of the Number and Proportion of LEP Persons Likely to be Served or Encountered in the Eligible Service Population

Factor 2: Assessment of Frequency with Which LEP Individuals Come Into Contact with the Transit Services or System

Factor 3: Assessment of the Nature and Importance of the Transit Services to the LEP Population

Factor 4: Assessment of the Resources Available to the Agency and Costs

See **APPENDIX E - Language Access Plan (LAP)**

See APPENDIX F - The Language Access Plan Complaint Procedure

MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES

Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, “deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.”

Allegany County Human Resources Development Commission, Inc. (HRDC) has transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which we select.

See APPENDIX G - Table Minority Representation on Committees by Race