# **Title VI Nondiscrimination Plan**

Lucas County Engineer's Office Lucas County, Ohio

January 21, 2020

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## I. Non-Discrimination Policy Statement

It is the policy of the Lucas County Engineer' Office that no person shall on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of the Lucas County Engineer's Office as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of the Lucas County Engineer's Office, including its contractors and anyone who acts on behalf of the Lucas County Engineer's Office. This policy also applies to the operations of any department or agency to which the Lucas County Engineer's Office extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

Prohibited discrimination may be intentional or unintentional. Seemingly neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Examples of prohibited types of discrimination based on race, color, national origin, sex, disability, or age include: Denial to an individual any service, financial aid, or other benefit; Distinctions in the quality, quantity, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; Discrimination in any activities related to highway and infrastructure or facility built or repaired; and Discrimination in employment.

Title VI compliance is a condition of receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 U.S.C § 2000d and related statutes, and the requirements of 23 Code of Federal Regulation (CFR) pt. 200 and 49 CFR pt. 21.

Mike Pniewski, PE, PS

Lucas County Engineer

Date

#### II. Title VI Coordinator

The Lucas County Engineer is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all agency employees, contractors, and agents pursuant to 23 °CFR Part 200 and 49 CFR Part 21.

The Lucas County Engineer has created the position of Title VI Coordinator to perform the duties of the Title VI Coordinator and ensure implementation of agency's Title VI program. The position of Title VI Coordinator is located within the Lucas County Engineer's Office.

The Title VI Coordinator is responsible for:

- Administration and Implementation of the Lucas County Engineer's Office Title VI plan and policy;
- Conduct Title VI reviews in an effort to assist with identifying, addressing, and eliminating discrimination concerns in the Lucas County Engineer's Office;
- Conduct or facilitate Title VI training programs for dissemination to employees;
- Develop and disseminate Title VI information to contractors, subcontractors, vendors, and consultants;
- Ensure community involvement and outreach is in compliance with Title VI and provides equitable opportunities for participation;
- Ensure Title VI language is included in contracts;
- Collect, review, and preserve statistical data (e.g. race, color, national origin, language, gender) of participants in activities and programs to ensure the Lucas County Engineer's Office continued compliance with Title VI;
- Collect, review, and preserve data regarding the number of federally funded projects awarded or ongoing for the past three (3) years;
- Maintain all Title VI records and correspondence, including but not limited to, signed employee acknowledgements, Title VI complaints and all correspondence regarding such complaints, requests for language services, demographic statistics, compliance reviews, and all Title VI federal agency correspondence and records;
- Address all Title VI discrimination complaints;
- Review and update the Title VI plan and policy as needed or required;
- Prepare and submit the annual Title VI update report;
- Maintain a log of all Title VI complaints.

All concerns should be directed to the Title VI or ADA Coordinator.

Title VI Coordinator – Michael Stormer, P.E. (419) 213-2860 <a href="mailto:mstormer@co.lucas.oh.us">mstormer@co.lucas.oh.us</a> ADA Coordinator – Doug Parrish, P.E. (419) 213-2860 <a href="mailto:dparrish@co.lucas.oh.us">dparrish@co.lucas.oh.us</a>

## III. Employer/Employee Dissemination and Training

Title VI plan and policy education and literature will be provided to all employees of the Lucas County Engineer's Office. Employees will be required to sign an acknowledgement receipt indicating they have received and reviewed Title VI policy guidelines. New employees will be provided with education and literature at new employee orientation. Employees will be provided with updated education and literature as necessary.

Employees are expected to follow Title VI policy and the guidelines set forth in the policy. In addition, employees should make every effort to alleviate any barriers to service or public use that would restrict discrimination incidences, and immediately notify the Title VI coordinator, in writing, of any questions, complaints, or allegations of discrimination.

#### IV. Contractors, Subcontractors, Vendors, and Consultants

All contractors, subcontractors, vendors, and consultants who receive payments from the Lucas County Engineer's Office where funding originates from any federal assistance program are subject to the provisions of Title VI. The Lucas County Engineer's Office will include Title VI language as relevant and appropriate in written agreements and bid notices and documents. Written agreements relevant to Title VI shall not contain any form of discrimination either written or implied.

## V. Complaint Process

The Lucas County Engineer's Office will promptly and thoroughly investigate all properly submitted complaints of alleged discrimination. The Lucas County Engineer's Office will also attempt to resolve such complaints and take corrective action upon a finding of a substantiated complaint. The Office will make reasonable efforts to facilitate a voluntary, early resolution of complaints at the lowest level possible. The complaint investigation procedure is part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complaint.

Any individual who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any service, program, or activity (whether Federally funded or not) of the Lucas County Engineer's Office based on their race, color, national origin, gender, age, disability, ancestry, income status, or limited English proficiency may file a complaint with the Title VI Coordinator. Complaint forms can be found at the Office's website or can be obtained from the Title VI coordinator. In order for a complaint to be considered, the complainant must file the appropriate documentation within 180 calendar days after the alleged act of discrimination occurred.

Complaints may also be filed with the following agencies:

Ohio Department of Transportation Division of Opportunity, Diversity, and Inclusion Office of Equal Opportunity, Mail Stop 3270 1980 West Broad Street Columbus, Ohio 43223

Federal Highway Administration (FHWA) 1200 New Jersey Avenue SE Washington, DC 20590

#### Complaint Requirements

Complaints must be in writing and shall be signed by the complainant and/or the complainant's representative. The Lucas County Engineer's Office does not accept anonymous complaints. Complaints must contain the following information, and describe as completely as possible the facts and circumstances surrounding the alleged discrimination:

- Name of complainant;
- Contact information of complainant (telephone number, address, email address);
- The full name and address of the respondent, individual, agency, department, or program that allegedly discriminated against the complainant;
- A description of the alleged discriminatory act(s) that violated Title VI (i.e., an act
  of intentional discrimination or one that has the effect of discriminating on the
  basis of race, color, national origin, sex, age, or disability). The description must
  include the date of the incident, and how, where, and why the complainant
  believes they were discriminated against:
- Names and contact information of all witnesses; and
- Any other information that is deemed significant.

If the complainant is unable or incapable of providing a written statement, a verbal complaint may be made to the Title VI Coordinator. Under these circumstances, the complainant will be interviewed and the Title VI Coordinator will assist the complainant in completing a written complaint. The Title VI Coordinator will provide the written complaint to the complainant for confirmation, review, and signature before processing.

#### Conference with Title VI Coordinator

Within 15 business days after receipt of the complaint, the Title VI Coordinator will arrange to speak or meet with the complainant to discuss the complaint and possible resolutions, if applicable. If a complaint is deemed incomplete, additional information will be requested. The complainant has thirty (30) calendar days to respond to the request for additional information. A complainant's failure to respond to the request within the required time period will result in administrative closure of the complaint.

#### Jurisdiction

If the Lucas County Engineer's Office does not have sufficient jurisdiction to investigate the complaint, the Title VI Coordinator will refer the complaint to the appropriate local, state, or federal agency holding such jurisdiction. The Title VI Coordinator will notify the complainant that the complaint is outside the jurisdiction of the Office and where the complaint has been referred for further handling.

#### Title VI Coordinator Investigation

The Title VI Coordinator will conduct a complete and thorough investigation of complaints within the jurisdiction of Office and based upon the information obtained will strive to render a final written response letter to the complainant within sixty (60) calendar days. The Title VI Coordinator will inform the respondent of the complainant's allegations and request a position statement and response to all aspects of the complainants' allegations. The Title VI Coordinator may assign a staff member to handle the investigation.

The Title VI Coordinator's final written response to the complainant will include a description of the complaint, a summary of the investigation and findings of such, summaries of individuals interviewed, and if appropriate, recommendations and resolutions. All written complaints, investigations, and responses will be retained by the Office for at least three (3) years.

## **Corrective Action**

If the Office recommends corrective action, the Office will give respondent thirty (30) calendar days to inform the Office of actions taken for compliance. The Title VI Coordinator shall monitor the respondent's corrective action compliance. Such corrective action may include actions the respondent will complete at a future date of the initial thirty days, and must include projected time in which the respondent will complete the action.

If the respondent has not taken the recommended action within the thirty day period allowed, the Office will take corrective action to be in compliance with Title VI. Noncompliance not corrected may be subject to sanctions as provided in 49 CFR 21.13

#### Records Retention

The Office will maintain all records of an investigation for three (3) years after completion of the investigation.

#### Complaint Closure

It is the general practice of the Office to investigate all complete complaints. However, the Office may administratively close a complaint at its discretion. The types of complaints that may be administratively closed and not investigated include, but are not limited to:

- Complaints that fail to state a claim or provide any substantial or coherent claim;
- Complaints that are outside the scope of the Office's Title VI jurisdiction;
- Untimely complaints filed more than 180 days after the alleged discriminatory acts:
- Complaints voluntarily withdrawn by the complainant;

- Complaints in which the investigation has been impaired by the Office's ability to locate or contact the complainant;
- Complaints that are a continuation of a pattern of previously filed complaints involving the same or similar allegations against the same respondent or other respondents that repeatedly have found factually or legally unsubstantiated by the Office:
- Complaints containing the same or similar allegations and issues that have been addressed in a recently closed complaint or compliance review conducted by the Office:
- Complaints containing allegations that are foreclosed by previous decisions by state and federal courts, the Department of Justice, or Office policy determinations:
- Complaints filed for complainants or parties who refuse to cooperate with the investigation and whose lack of cooperation substantially impairs the completion of the investigation;
- Complaints transferred to another agency for investigation;
- Complaints where the death of a complainant, witness, or respondent makes it impossible to investigate the allegations fully.

#### Summary of Investigations, Complaints Received, and Lawsuits

No investigations, complaints, and lawsuits have been filed within the reporting period regarding discrimination or harassment based on membership in a protected class and retaliation for engaging in protected activity.

#### VI. Public Participation Plan

#### **Public Dissemination**

Title VI information shall be displayed in areas open to the general public at the Office of the Lucas County Engineer. The name and contact information of the Office's Title VI Coordinator will be displayed on the Title VI information.

The Office's Title VI plan and policy, which includes Lucas County's ADA/ Section 504 plan, Limited English Proficiency Plan and complaint procedures is available on the Office's website. Copies of this plan will be provided upon request. Any questions or comments on this plan should be provided to the Office's Title VI Coordinator.

#### Community Involvement and Outreach

The Office is committed to ensuring that community involvement and outreach is done in a respectful and appropriate manner that will allow for diverse involvement. Public meetings, programs, and activities will provide equitable opportunities for participation.

The Office performs the following activities to encourage community involvement:

- Mailing of notices to impacted and nearby property owners regarding future public works projects to gather input into highway planning decisions.
- Holding public meetings and/or public hearings to gather public comment and input before making a decision regarding real estate of highway planning
- Advertising and placing public notices in news media including print and digital
- Preparing press notices to print, television, radio, and digital media soliciting public input.
- Use of social media to communicate with community
- Publishing of notices in media outlets (print, television, and radio) and social media serving minority audiences

All public meetings are held in familiar locations, near transit routes, and accessible to individuals with disabilities. Depending on the nature of the project and community, the Office may hold meeting at times to accommodate required populations such as seniors, second-shift workers, after-dark safety concerns, and transit schedules. Upon request, translators can be provided free of charge to those individuals with limited English proficiency. Auxiliary aids are also available upon request. All such requests must be made at least forty-eight (48) hours in advance of the public meeting.

#### VII. Data Collection

The Office will collect and analyze statistical information regarding demographics to assist in monitoring and ensuring nondiscrimination in all its programs and activities. The Office will utilize a voluntary public involvement survey to collect information regarding persons affected by proposed projects. The survey permits respondents to remain anonymous while voluntarily answering questions regarding their gender, ethnicity, race, age, disability status, household income, and limited English proficiency.

The Office plans to make this survey available at all public meetings and hearings and in appropriate locations where the Office offers services to the public. Completed surveys will be retained for a period of three years from the date of the meeting.

## IX. Section 504/ American with Disabilities Act (ADA)

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), as amended, and the American with Disabilities Act of 1990, as well as any other local, federal, and state laws and regulations, the Office will make every reasonable effort to ensure that no individual with a disability will be excluded from the participation in, be denied benefits of, or be subjected to discrimination under any of the Office's programs and activities.

For more information regarding the Office's ADA policy, this Office has adopted the ADA policy of the Board of Lucas County Commissioners. ADA complaint forms can be obtained from the Lucas County ADA Coordinator, or the Office's ADA Coordinator.

## X. Limited English Proficiency (LEP) Plan

The Office has prepared this plan in accordance with Title VI, which states that no person shall be subjected to discrimination on the basis of race, color, or national origin. The purpose of this plan is to help identify reasonable steps for providing language assistance to individuals with limited English proficiency which to access services provided by the Office.

Presidential Executive Order No. 13166, titled "Improving Access to Services for Persons with Limited English Proficiency,: indicates that individuals treated differently based upon their inability to speak, read, write, or understand English is a type of national origin discrimination. Presidential Executive Order No. 13166 defined limited English proficiency persons as those individuals who do not speak English as their primary language and have limited ability to read, speak, write, or understand English.

In order to prepare this plan, the Office utilized the U.S. Department of Transportation four-factor LEP analysis, which considers the following factors:

- 1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter an Office program, activity, or service;
- 2. The frequency which LEP persons come in contact with Office programs, activities, and services;
- 3. The nature and importance of programs, activities or services provided by the Office to the LEP population; and
- 4. The resources available to the Office and the overall costs to provide LEP assistance.

The service area of the Office is the unincorporated portion of Lucas County (Lucas County, less Incorporated Municipalities). Using the U.S. Census Bureau's American Community Survey 2013-2017 5-Year Estimates, approximately 0.7% of people in the unincorporated portion of Lucas County, age 5 years and older, speak English "less than very well". The Office also surveyed its staff regarding the frequency of problems encountered with persons that are LEP. These surveys affirmed that Office staff rarely, if ever, have had issues communicating with or providing services for LEP individuals. When there has been contact with an LEP individual, staff has been available to accommodate the language barrier.

The Office also utilizes a Voluntary Title VI Public Involvement Survey to assess the frequency with which LEP individuals come into contact with Office programs, activities, and services. The Voluntary Title VI Public Information Survey is made available at public meetings and in public areas of office buildings.

In compliance with the U.S. Department of Transportation's LEP Four-Factor analysis, the Office has considered and implemented the following:

• The number or proportion of LEP persons who may be served or likely to encounter an Office program, activity, or service is very small (less than 5% or 1,000 persons for each eligible LEP language group)

The frequency with which LEP persons come into contact with Office programs,

activities, or services is very low

 To ensure meaningful access to LEP persons to Office programs, activities, and services, the Office offers interpretation services on an as-needed basis if requested forty-eight (48) hours in advance. This service is provided free of charge.

The Office is aware that its community profile is ever changing. As a result, this LEP plan will be re-evaluated every three (3) years to ensure the plan remains effective of community needs. Anyone requiring special language services or accommodations must contact the Title VI Coordinator at least 48 hours prior to needing such services.

## XI. Composition of Committees and Councils

No council or committee is selected or appointed by the Lucas County Engineer's Office.

## Lucas County Engineer's Office Title VI Complaint Form

Please complete this form to the best of your ability. If you need translation or other assistance, contact Title VI Coordinator, Michael Stormer at (419) 213-2860.

Name				
Address		City	Zip	
Phone: Home	Work	N	lobile	
Email:				_
Basis of Complaint (	circle all that apply):			
Race	Color			
National Origin	Sex/Gender			
Age	Disability			
Retaliation	Other:			
Who discriminated a	gainst you?			
Name of Organizatio	n			
Address		Citv	Zip	
				_
How were you discrii	minated against? (Attach	additional pag	es if more space is need	'ed)
			***************************************	

Name	Phone	
Address	City	Zip
Signed		ie.

Where did the	e discrimination occur?		
Dates and tim	es discrimination occurred?		
Were there ar	ny other witnesses to the discrim	ination?	
Name	Organization/Title	Work	Home
		Telephone	Telephone
***************************************		<u> </u>	
	u like to see this situation resolv	od?	
How would yo	ou like to see this situation resolv	ed? 	
How would yo	u like to see this situation resolv	ed?	
How would yo	ou like to see this situation resolv	ed?	
Have you filed	ou like to see this situation resolve	wsuit with any other ag	-

Do you have an attorney in this matter?

	2004 Census Test LANGUAGE IDENTIFICATION FLASHCARD	
	ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1. Arabic
	խողրում ե՛սը ՛սչում՝ կատարեք այս քառակուսում՝, եթե խոսում՝ կամ՝ կարդում՝ եք Հայերե՛ս:	2. Armenian
	যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাব্দে দাগ দিন।	3. Bengali
	ឈូមបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយកាសា ខ្មែរ ។	4. Cambodiar
	Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.	5. Chamorro
	如果你能读中文或讲中文,请选择此框。	6. Simplified Chinese
	如果你能讀中文或講中文,請選擇此框。	7. Traditional Chinese
	Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	8.Croatian
	Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	9. Czech
	Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	10. Dutch
	Mark this box if you read or speak English.	11. English
	اگر خواندن و نوشتن فارسي بلد هستيد، اين مربع را علامت بزنيد.	12. Farsi
DB-3309	U.S. DEPARTMENT OF COMMERCI Economics and Statistics Administration U.S. CENSUS BUREAL	n

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	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish
	ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	24. Laotian
	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
	Marchi questa casella se legge o parla italiano.	21. Italian
	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
	Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet.	19. Hungarian
	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
	अगर आप हिन्दी बोलते या पद सकते हों तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
	Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
	Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
	Cocher ici si vous lisez ou parlez le français.	13. French

		_
	Assinale este quadrado se você lê ou fala português.	26. Portuguese
	Însemnați această căsuță dacă citiți sau vorbiți românește.	27. Romanian
	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
	Обележите овај квадратић уколико читате или говорите српски језик.	29. Serbian
	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
	Marque esta casilla si lee o habla español.	31. Spanish
	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
	ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูลภาษาไทย.	33. Thai
	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
	Відмітьте цю клітинку, якщо ви читаєте або говорите українською мовою.	35. Ukranian
	اگرآپ اردوپڑھتے یا بولتے ہیں تواس خانے میں نشان لگا کمیں۔	36. Urdu
	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish
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## Notifying the Public of Rights under Title VI

## Lucas County Engineer's Office

- The Lucas County Engineer's Office operates its programs and services without regard to race, color, national origin, sex, age, disability, or low-income status in accordance with Title VI of the Civil Rights Act of 1964 and its related statutes. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Lucas County Engineer's Office.
- For more information on the Lucas County Engineer's Office civil rights program and the procedures to file a complaint, contact the Chief Deputy Engineer, Michael Stormer, P.E., at (419) 213-2860; email mstormer@co.lucas.oh.us; or visit our administrative office at 1049 S. McCord Road, Holland, OH 43528. For more information, visit www.co.lucas.oh.us/engineer.
- A complainant may file a complaint directly with the Federal Highway Administration (FHWA) by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, 1200 New Jersey Avenue SE, Washington, DC 20590; or with the Ohio Department of Transportation, Office of Equal Opportunity, Attention: Title VI Program Manager, 1980 W. Broad Street, Mail Stop 3270, Columbus, OH 43223.
- If information is needed in another language, contact Michael Stormer at (419) 213-2860 or <a href="mailto:mstormer@co.lucas.oh.us">mstormer@co.lucas.oh.us</a>.

#### TITLE VI PUBLIC INVOLVEMENT SURVEY

As a recipient of federal funds, the Lucas County Engineer's Office is required to develop a procedure for gathering statistical data regarding participants and beneficiaries of its federal-aid highway programs and activities (23CFR §200.9(b)(4)). The Office is distributing this voluntary survey to fulfill that requirement to gather information about the populations affected by a proposed project.

You are not required to complete this survey. Submittal of this information is voluntary. This form is a public document that the Office will use to monitor its programs and activities for compliance with Title VI of the Civil Rights Act of 1964, as amended and its related statutes and regulations.

If you have any questions regarding the Lucas County Engineer's Office's responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act, please contact the Office's Title VI Coordinator at (419) 213-2860 or Email at <a href="mailto:mstormer@co.lucas.oh.us">mstormer@co.lucas.oh.us</a>

You may return the survey by folding it and placing it on the registration table (if you received it at a public hearing or meeting) or by mailing it to the Lucas County Engineer's Office, Title VI Survey, 1049 S. McCord Road, Holland, OH 43528.

Date (month, day, year)
Project Name
Proposed Project Location
Gender: □ Female □ Male Ethnicity: □ Hispanic or Latino □ Not Hispanic or Latino
Race: (check one or more)   American Indian or Native Alaskan   Black or African-American   Hawaiian or Other Pacific Islander   White   Multiracial
Age: □ 1-21 □ 22-40 □ 41-65 □ 65+ Disability: □ Yes □ No
Income: □ 0-\$12,000 □ \$12,001-\$24,000 □ \$24,001-\$36,000 □ \$36,001-\$48,000 □ \$48,001-\$60,000 □ \$60,001+
Is English your preferred language?   □ Yes □ No  If not, what is your preferred language?