



TITLE VI PLAN

Harney County Senior & Community Services Center

DBA: Harney County Dial-A-Ride

August 2017

*PO Box 728/17 S Alder Ave p. 541-573-3030
Burns OR 97720 f. 541-573-6025*

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www.co.harney.or.us/seniorcenter.html*

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Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color and national origin in programs and activities receiving Federal financial assistance.

Harney County Dial-A-Ride (HCDAR) is committed to ensuring that no person is excluded from participation in, or denied the benefits of its programs and services on the basis of race, color, sex or national origin, as protected by the Title VI in Federal Transit Administration (FTA) Circular 4072.1B.

Title VI Complaint Procedures

In order to comply with 49CFR Section 21.9(b), HCDAR has developed procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public upon request. Complainants, or their representative, may file a written complaint with the Title VI Complaint Coordinator at any time within one hundred and eighty (180) days from the date of the alleged discriminatory act.

If you believe you have been subject to discrimination under Title VI, you may file a complaint.

How to file a Title VI Complaint:

You may file a signed, written complaint up to one hundred and eighty (180) days from the date of the alleged discrimination. The complaint should include the following information:

- Your name, mailing address, and how to contact you (i.e., telephone number, email address, etc.)
- Name, address, phone number and relationship of Representative to Complainant, if applicable.

- How, when, where and why you believe you were discriminated against. Include the location, names and contact information for any witnesses.
- Other information that you deem significant.

A form is available at <http://co.harney.or.us/index.php/dial-a-ride> , which may be completed for this purpose. (Attachment B).

The complaint may also be filed in writing with HCDAR at the following address:

Harney County Senior & Community Services Center
Harney County Dial-A-Ride
PO Box 728
17 S Alder Ave
Burns OR 97720

By Fax: 541-573-6024

NOTE: HCDAR encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. For complaints originally submitted by facsimile, an original, signed copy of the complaint must be mailed to the Title VI Coordinator as soon as possible, but no later than 180 days from the original alleged date of discrimination.

What happens to your complaint after it is submitted to HCDAR?

All complaints alleging discrimination based on race, color or national origin in a service or benefit provided by HCDAR will be directly addressed by HCDAR. HCDAR provides for staff to take complaints and forward them to the Title VI Complaint Coordinator (Executive Director) who categorizes, tracks them, and develops responses. The Executive Director will investigate the complaint and make a determination. The Chairman of the Board of Directors will have final approval. Investigation of the complaint will be confidential and will include, but is not limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Customers will be notified of resolution.

HCDAR shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, HCDAR shall make every effort to address all complaints in an expeditious and thorough manner.

In instances where additional information is needed for investigation of the complaint, HCDAR will contact the complainant in writing. Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

Once sufficient information for investigating the complaint is received by HCDAR, a written response will be drafted, subject to review by the organization's legal representative. If appropriate, HCDAR's legal council may administratively close the complaint. In this case, HCDAR will notify the complainant of the action as soon as possible.

How you will be notified of the outcome of your complaint:

HCDAR will send a final written response to the complainant and advise the complainant of his or her right to 1) appeal within seven(7) calendar days of receipt of the final written decision from HCDAR, and/or 2) file a complaint externally with the U.S. Department of Transportation and /or Federal Transit Administration. Every effort will be made to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner.

An appeal request for review of determination of unlawful denial of access or accommodation to services must be filed, in writing, within 60 calendar days of the incident. The written appeal must include the customer's name, address, and telephone contact number. A statement of reason(s) why the applicant believes the denial of accommodation request or access to services was inappropriate is recommended. The HCDAR Board of Directors will set a mutually agreed-upon time and place for the review process with the applicant and/or representatives within 30 days of request. The applicant may submit documents or other information to be included with the record and

considered in the review process. Anyone needing special accommodations may contact HCDAR at 541-573-3030 for assistance.

The right of the appellant to a prompt and equitable resolution of complaint must not be impaired by the appellant's pursuit of other remedies, such as filing of a complaint with the Department of Justice or other appropriate federal agency or the filing of a suit in state or federal court. Use of the procedure is not a prerequisite to the pursuit of other remedies.

In addition to the complaint process described above a complainant may file a Title VI complaint or lawsuit with the following office:

Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
1200 New Jersey Ave., SE
Washington, DC 20590

ODOT Office of Civil Rights, MS 23
3930 Fairview Industrial Drive SE
Salem, OR 97302

U.S. Department of Justice
Civil Rights Division
Coordination and Review
Section – NWB
950 Pennsylvania Ave, NW
Washington, DC 20530

Disposition of Complaints and Resolution:

Sustained Complaints – If the complaint is substantiated and a probable cause of a discriminatory practice based on race, color, or national origin is found to exist, HCDAR shall endeavor to eliminate said practice by means of a Remedial Action Plan. The Remedial Plan shall include: a list of all corrective actions accepted by the agency; description of how the corrective action will be

implemented; and a written assurance that the agency will implement the accepted corrective action in the manner discussed in the plan.

Unstained Complaints – If there is insufficient evidence to either prove or disprove the allegation(s) both parties to the complaint will be informed of the reason(s) for this disposition.

Unfounded Complaint – If it is determined that an act reported pursuant to this policy/procedure did not in fact occur, a finding of unfounded shall be made.

Exonerated Complaints – If it is determined that an act reported pursuant to this policy/procedure did in fact occur, but was lawful and proper within the guidelines established herein, a finding of exonerated shall be made.

Recording Title VI Investigations, Complaints and Lawsuits:

In order to comply with 49 CFT Section 21.9(b), HCDAR prepares and maintains a list of any active investigations conducted by entities other than the FTA, lawsuits, or complaints naming HCDAR that allege discrimination on the basis of race, color, or national origin. This list includes the date the 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 to the investigation, lawsuit or complaint. The HCDAR Title VI Complaint Coordinator (Executive Director) maintains these files until closed. The HCDAR Title VI Complaint Coordinator will also maintain a log of all complaints received. Records will be stored according to state and federal record retention requirements. Tracked information will be reported to ODOT as the grantor of the funds.

Additional Information Upon Request:

At the discretion of FTA, information other than that required by the referenced circular may be requested, in writing, from HCDAR in order to investigate complaints of discrimination or resolve concerns about possible noncompliance with the Title VI requirements. The HDAR Title VI Complaint Coordinator is available to provide additional information as needed and to respond to any inquiry.

Record of Title VI or other Civil Rights investigations, complaints or lawsuits

To date, there have been no Title VI investigations, complaints or lawsuits.

Limited English Proficiency (LEP) Plan

HCDAR is committed to breaking down language barriers by implementing consistent standards of language assistance across its service area.

The United States is home to millions of national origin minority individuals with Limited English Proficiency (LEP). That is, their primary language is not English and they cannot speak, read, write or understand the English language at a level that permits them to interact effectively with recipients of Federal financial assistance.

Because language differences and the inability to effectively speak or understand English, persons with LEP may be subject to exclusions from programs or activities, experience delays or denials of services. These individuals may be entitled to language assistance with respect to a particular type of service. The federal government and those receiving assistance from the federal government must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services and information those entities provide. This will require agencies to establish creative solutions to address the needs of this ever-growing population of individuals, for whom English is not the primary language.

Analysis of Factors

Factor No. 1: The number or proportion of LEP persons in the service area.

HCDAR's jurisdiction covers Harney County Oregon, which is largely English speaking. The vast majority of the population with which we do business (individuals wishing to ride transit, transit agencies, and employers in the region) are Proficient in English. According to American Community Survey 2011-2015 95.2% of the district's population age five and up speaks English only.

	Harney County, Oregon	
	Estimate	Margin of Error
Total five years and over:	6,863	+/-23
Speak only English	6,531	+/-85
Spanish or Spanish Creole:	140	+/-59
Speak English "very well"	87	+/-57
Speak English less than "very well"	53	+/-41

Other Indo-European Languages	54	+/-37
Speak English "very well"	23	+/-24
Speak English less than "very well"	31	+/-33
Asian and Pacific Island:	13	+/-16
Speak English "very well"	8	+/-12
Speak English less than "very well"	5	+/-11
Other languages:	125	+/-45
Speak English "very well"	100	+/-45
Speak English less than "very well"	25	+/-31

Factor No.2: The frequency with which LEP individuals come into contact with the service.

Contacts with HCDAR are made through its office in Burns, its website (<http://co.harney.or.us/index.php/dial-a-ride>), its officers and its staff.

We have an average of zero calls a month that require translations.

Factor No. 3: The nature and importance of service provided by HCDAR

HCDAR provides important mobility management and transportation coordination service to the public.

Factor No. 4: The resources available to the recipient of the federal funds to assure meaningful access to service by LEP persons.

HCDAR’s current in-house language capabilities are English, with very limited Spanish. HCDAR uses Certified Languages International who provide experienced staff fluent in Spanish and other languages for interpretation.

Implementation Plan

HCDAR currently has implemented its plan and will review it annually, including any contact with LEP persons to determine the frequency of contact, the language used, and how contacts were handled.

HCDAR identifies LEP persons in the service area by telephone contact and regional demographics. HCDAR’s Title VI Policy and Complaint Form are available on our website.

In order to comply with 49 CFR 21.9(d), HCDAR and its sub-recipients must provide information to beneficiaries regarding their Title VI obligations and inform beneficiaries of the protections against discrimination afforded them by Title VI. HCDAR has established a policy statement (Attachment A).

HCDAR provides materials relevant to FTA funded programs, such as outreach materials and policy documents, the Title VI and Anti-Discrimination policies in particular, on the HCDAR website. Alternate formats are available upon request.

Notifying Beneficiaries of Their Rights under Title VI

Our website includes our Title VI policy and complaint form. The website also states the Anti-Discrimination Statement listed on page 9 of this plan. HCDAR's Title VI policy and complaint form are also posted at HCDAR's office (located at 17 S Alder Ave., Burns OR 97720). Individuals who believe they have been discriminated against may request a complaint form from the Transit Manager at HCDAR's office.

Analysis of Construction Projects

Over the last three years HCDAR has not completed any construction projects requiring an environmental assessment (EA) or environmental impact statement (EIS).

Inclusive Public Participation

Community Outreach is a requirement of Title VI. HCDAR and its sub-recipients shall seek out and consider the viewpoints of minority and low-income populations in the course of conducting public outreach. Recipients have wide latitude to determine what specific measures are most appropriate and should make this determination based on the composition of the affected populations, the public involvement process, and the resources of HCDAR and engaged the public in its planning and decision-making processes, as well as its marketing and outreach activities. HCDAR also follows public notification regulations as required by any federal funds received by HCDAR.

Anti-Discrimination Statement/Title VI Policy

Anti-Discrimination Statement: Harney County Senior and Community Services Center DBA Harney County Dial-A-Ride is an affirmative-action, equal-opportunity employer. Public Transportation services are available to all without regard to race, color, national origin, gender, gender identity, religion, age, height, weight, disability, political beliefs, sexual orientation, marital status, family status or veteran status.

HCDAR's Title VI policy and complaint form are posted on the HCDAR website (<http://co.harney.or.us/index.php/dial-a-ride>) and at HCDAR office (located at 17 S Alder Avenue Burns OR). Individuals who believe they have been discriminated against may request a complaint form from the Transit Manager at HCDAR's office.

Ref: FTA Circular 4702.1B Title VI and Title VI Dependent Guidelines for Federal Transit Administration Recipients.

Purpose: The purpose of this policy is to establish guidelines to effectively monitor and ensure that the Harney County Dial-A-Ride (HCDAR) is in compliance with all FTA Title VI requirements and regulations in order to carry out the provisions of the Department of Transportation's (DOT) Title VI Regulations at 49 CFR Part 21.

Authorities: Title VI of Civil Rights Act of 1964, as amended, 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.

Policy Statement: HCDAR assures that no person shall, on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, as amended, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. HCDAR is committed to creating and maintaining programs and services that are free of all forms of discrimination.

Responsibilities: All employees of HCDAR shall follow the intent of these guidelines in a manner that reflects the organization's policy. Employees receiving information regarding violations of this order shall determine if there is any basis for the allegation and shall proceed with the resolution as stated in the sections *Employee Responsibility* and/or *Investigation of Complaints and Appeals Process*.

Certification and Assurance: To ensure accordance with 49CFR Section 21.7, every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program compliance with Title VI of the Civil Rights Act of 1964. This requirement shall be fulfilled when the applicant submits its annual certifications and assurances to the FTA. The text of the FTA's annual certifications and assurances is available on the FTA's Website. HCDAR complies with this instruction annually in order to receive the FTA funding.

Providing Meaningful Access to Limited English Proficient (LEP) Persons: Title VI and its implementing regulations require that recipients of federal funds take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient. HCDAR partners with Certified Languages International to provide translation services as necessary. HCDAR also provides Google Translate function to our website to make complaint procedure available in all appropriate languages for LEP populations.

Employee Responsibility:

Each employee shall:

- A. Ensure that there are no barriers to service or accommodation that would prevent usage or access to services.
- B. Train subordinates as to what constitutes discrimination and barriers to access.
- C. Take prompt and appropriate action to avoid and minimize the incidence of any form of discrimination.

D. Notify the Executive Director in writing of the circumstances surrounding any reported allegation of discrimination no later than the next business day.

Reasonable Modification Complaint Form

Any person who believes she or he has been discriminated against in obtaining a reasonable modification under the Americans with Disabilities Act may file a complaint by completing and submitting a Reasonable Modification Complaint Form. The transit system investigates complaints received no more than 30 days after receipt. The transit system will communicate the results of all complaints in writing or other accessible formats.

Section I. Identification

Name:

Address:

City: State: Zip Code:

Telephone (H):

Telephone (W):

E-mail:

Address:

Alternative Format Required?

(check most usable format)

Large Font

Braille

Audio Tape

Electronic File (e.g., Word or PDF)

Other (please specify):

Section II. Filer Information

Are you filing this complaint on your own behalf: Yes No

If you answered "yes" to this question, go to Section III.

If not, please supply the name and relationship of the person for whom you are complaining:

Name:

Relationship:

If the transit system failed to respond to your request in a timely fashion please provide initial date of contact, the original request, and when the transit system responded.

If you believe the transit system has unfairly denied your request, please state the reasons why. If applicable, list all persons who were involved.

Have you filed this complaint with any other agency? Yes No

If "Yes" above, please list what type of agency where the other complaint was filed:

Federal Agency

State Agency

Civil Court

None

Section IV. Signature

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Signature Date

Submit this form to:

You may attach any written materials or other information that you think is relevant to your complaint to this form.

Please submit this form in person at the address below, or mail this form to:

Harney County Dial-A-Ride

17 S Alder Ave

PO Box 728

Burns OR 97720

Notification of compliance with Title VI

In order to comply with 49CFR Section 21.9(d) HCDAR has posted information for the public regarding the Title VI obligations and protections against discrimination afforded to the public by Title VI on the HCDAR Website. HCDAR has also posted the following notice of compliance with Title VI, which is visible to the public at the HCDAR office and directs the public to the HCDAR website and to the appropriate phone number to inquire for more information. Additionally, this information is available upon request.

Notifying the Public of Rights Under Title VI Harney County Dial-A-Ride

HARNEY COUNTY DIAL-A-RIDE operates its programs and services without regard to race, color, and national origin in accordance with the Title VI of the Civil Rights Act of 1964. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Harney County Dial-A-Ride.

- For more information on the Harney County Dial-A-Ride's civil rights program, and the procedures to file a complaint, contact 541-573-3030; email dialaride@centurytel.net; or visit our office at: 17 S Alder Avenue, Burns OR 97720
- For more information, visit <http://co.harney.or.us/index.php/dial-a-ride> If information is needed in another language, contact 541-573-3030
- Notices are posted at the window of the Dial-A-Ride office located at 17 S Alder Ave. Burns OR 97720

Harney County

Statewide Transportation Improvement Fund

Advisory Committee Members

August 23, 2018

Name	Interest	Appointment Date
- Caucasian	Public Transportation Service Provider	8/23/2018
- Caucasian	Represent people with disabilities	8/23/2018
- Caucasian	Employer/ social and human services provider/Advocate	8/23/2018
- Caucasian	Individual 65+	8/23/2018
- Other	Local Government	8/23/2018
- Caucasian	School/social equity advocate	8/23/2018
- Caucasian	Bicycle and pedestrian advocate	8/23/2018
- Caucasian	Individual 65+	8/23/2018
- Other	Non-Profit providing trans	8/23/2018

HCDAR is located in a population that is +/- 98% white. The minorities represented on the committee currently are Basque, which is a minority population located in the county and active on boards and committees. Openings to the committee are advertised to all riders and local partners including the Burns Paiute Tribe. All community members including minorities are encouraged to participate.